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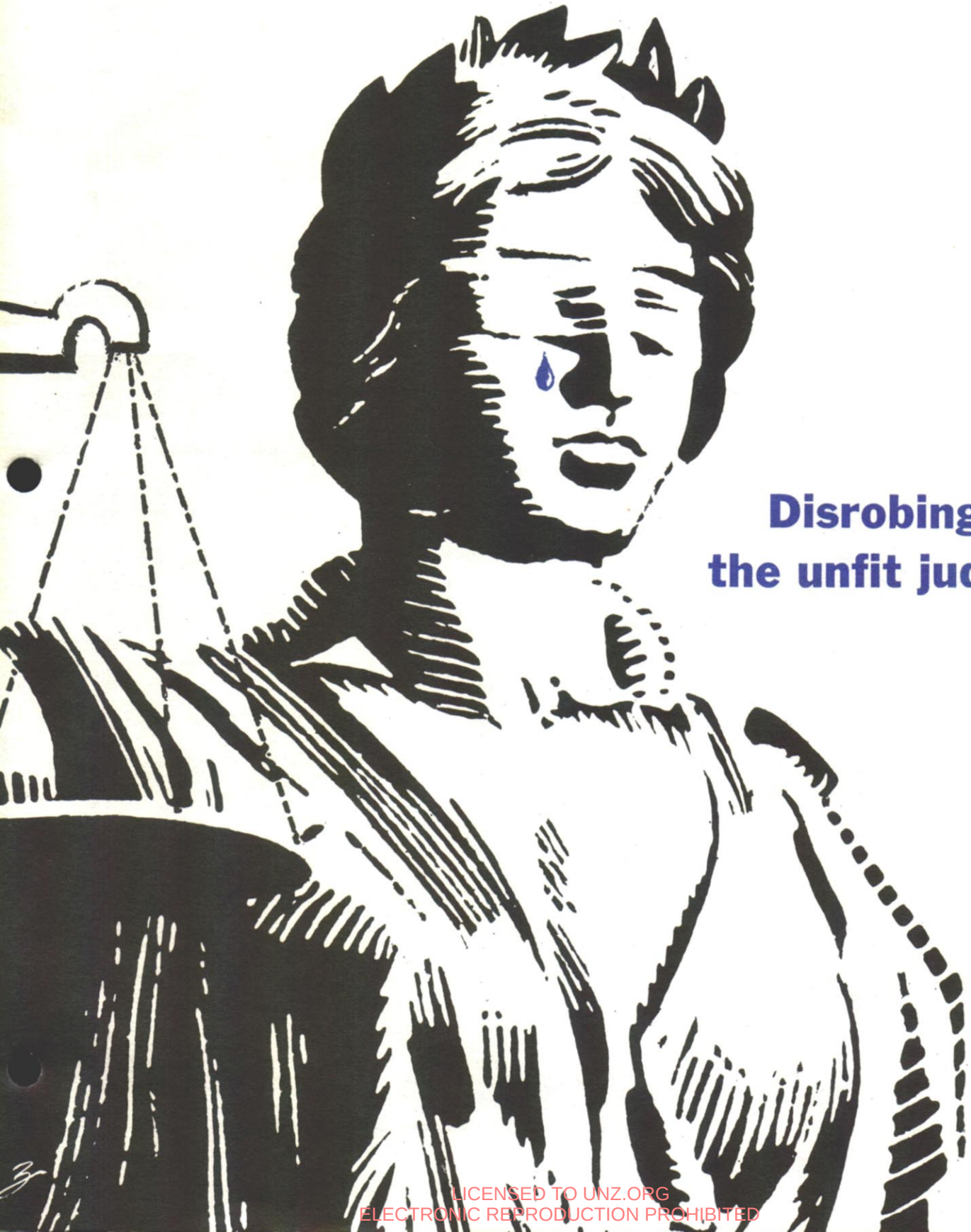
California Journal

THE MONTHLY REPORT ON STATE GOVERNMENT AND POLITICS



Disrobing the unfit judge

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A PERSONAL PERSPECTIVE...

By Ed Salzman

A dose of preventive medicine

Is there any truth to the rumor that San Francisco, like New York, is bankrupt — only it doesn't know it?

San Francisco and California's other urban centers may not be in the best of health but they are far from being afflicted with Gothamitis — and for two prime reasons: California law does not allow local governmental agencies to go into debt for ordinary operating expenses. And, unlike New York, California has devised an illogical, crazy-quilt form of local government involving cities, counties and thousands of special districts — a system that has been scorned by many local-government experts but that provides protection against large-scale municipal bankruptcy.

In New York, the city provides every imaginable service, including higher education. (And the city can and did sell bonds to meet payrolls, a practice that eventually is bound to bring about fiscal disaster.) If two or three elements in the mix go deeply into the red, the entire superstructure can topple. But in California, if the local schools get into trouble, only the school district need be bailed out; the city, the county and other special districts keep operating smoothly. San Francisco does not enjoy the full benefit of this dispersion because it is a unique city-county providing a wider range of services than any other local government in the state. (Its politicians also come closer to the Eastern style than do those of any other city in California.) Yet, in some service areas, such as rapid transit, its problems are pooled with those of other Bay Area counties.

Despite this overall optimism, there are severe fiscal storm clouds on the horizon for local government in California:

- Eventually, the Legislature will pass a collective-bargaining bill for public employees, and the potential costs are enormous. But the impact will be greatest in the small cities, because the large municipalities already have collective bargaining.
- The public cost of retirement plans for public employees, especially policemen and firemen, is growing rapidly and there are those who feel that this represents a fiscal time-bomb of mammoth proportions.
- Then there is the *Serrano* school decision, which carries the potential of clobbering large central cities, which need help most. This is because school-aid formulas (and *Serrano* would acerbate the situation) are based on the assumption that the rich districts are simply those with the highest assessed valuation per child. These districts happen to be places like San Francisco and Oakland with human and fiscal problems that more than match the assessment mountain. A literal interpretation of *Serrano* could, almost by itself, bring some of these cities to the brink of insolvency or destroy what's left of their school systems.

No, San Francisco and California's other cities are far from facing a New York-style crisis. But a little preventive medicine wouldn't hurt, either.

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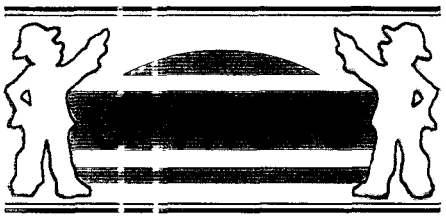

Republican leaders are trying to induce S.I. Hayakawa, retired president of San Francisco State University, to tackle Democratic Congressman John Burton next year, but Hayakawa's ego requires bigger game.

The flap over the firing of James Lorenz as state director of the Employment Development Department may not be as complex as it seemed. Lorenz has never seen eye-to-eye with Bob Gnaizda, strongman of the parent Health and Welfare Agency.

The big mystery of the 1975 legislative session is why the Democrats took so long to ram through a postcard voter-registration bill, a step that could prevent the Republicans from taking control of the Legislature in the foreseeable future.

State Treasurer Jesse Unruh buried the hatchet with former rival Sam Yorty on a recent appearance on Yorty's TV show, bringing to mind a classic Unruh quote: "If I had slain all my political enemies yesterday, I wouldn't have any friends today."

Unruh is one of those supposedly promoting an initiative campaign to create a unicameral legislature. The other lead figure is Pat Brown. The Treasurer apparently feels that a one-house system will make the legislative branch more powerful, while Brown would like to see it weaker (at least weaker than it was under Assembly Speaker Unruh). Public interest in the issue? Barely audible.

State Senator Dennis Carpenter will resign as COP caucus chairman in the upper house if and when he announces his candidacy for the United States Senate. His likely successor: John Stull of San Diego County.

Candidate corner: Veteran state Senator Robert Stevens of Los Angeles probably will face well-financed opposition in his party's primary next year. Mentioned as possible opponents are Mayor Ken Miller of Torrance and attorney-insurance executive Spencer Douglass. . . . A move is afoot to find a Democrat of Japanese descent to tackle Republican Assemblyman Paul Bannai in an overwhelmingly Democratic district centered in Gardena. The district is 69 percent Democratic, but the large Japanese vote has been solid for Bannai.

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JUDICIAL DILEMMA

Disrobing the unfit while protecting the fit

By ROBERT FEINBAUM

The United States sets high and sometimes contradictory standards for judges: They are supposed to be kind and considerate, yet firm and fair; they must be knowledgeable in the law, yet compassionate in treating offenders; they ought to be wise men and women who help to set and uphold moral standards. "Scratch the average person's idea of what a judge should be and it's basically Solomon," says Yale law professor Geoffrey Hazard Jr. But there are few Solomons around these days.

Theorists may search for the qualities that make an ideal judge, but some real-life judges have been acting in ways that are clearly outside of anybody's notion of proper judicial behavior. Some examples:

- Two Supreme Court judges in Florida were recently forced to resign. (One had been accused of giving special treatment to cases involving friends and attorneys who had assisted in his election; the other had been charged with accepting a secret memorandum from a utilities lawyer in a multi-million-dollar tax case and of trying to influence a lower-court decision for a campaign worker.)
- In 1965, four justices of Oklahoma's nine-member Supreme Court were involved in a far-reaching scandal. One confessed that he and his three colleagues accepted $150,000 to reverse a tax decision against an investment company. Two were convicted of income-tax evasion.
- Federal Appeals Court Judge Otto Kerner was convicted of profiting from the purchase of race-track stocks while governor of Illinois and sent to jail. And United States Supreme Court Justice Abe Fortas was forced to resign when his private financial dealings were brought to light.

These are the well-known cases, involving the highest levels of the judiciary. But there are other instances of judicial misbehavior, much less well known, which have an equally chilling effect on the proper administration of justice. For example:

- A San Francisco Superior Court judge called a rape victim a "horse's ass" in open court. Later in the same trial he ridiculed an inspector for sitting with the victim.
- A San Bernardino Municipal Court judge harrassed defense counsel by continual argumentative questioning of his legal position. In so doing, the judge used intemperate language and gave the impression of bias toward the defendant. On a number of other occasions he shouted at court employees and acted "angry and upset" for no discernable reason. While presiding at a different trial, the judge took unexplained and unannounced recesses and spent an inordinate amount of time ruling on objections.
- A Los Angeles Municipal Court judge arbitrarily cited public defenders for contempt and had them hauled away to jail. She relieved defendants of counsel without their consent, and intimidated attorneys appearing before her with warnings against asking "stupid questions" and admonitions not to pursue certain lines of questioning.

Robert Feinbaum's most recent Journal *article was "Crisis in the firehouse" in the June issue.*

Question of accountability

Until recently California law contained little that could be used against a corrupt, senile, alcoholic or mentally unbalanced judge. In 1938 the state Constitution was amended to allow the Supreme Court, on its own motion, to remove a judge from office upon conviction of a crime involving moral turpitude. The section was first used 24 years later to remove a judge convicted of income-tax evasion. Nor had the legislative remedy for judicial misbehavior been more effective. Judges may be impeached, tried by the state Senate and, if found guilty, removed from office. However, there have been only two impeachment trials in California's history — one in 1862, the other in 1929.

Legal scholars have long recognized that damage to the judicial system results from improper behavior on the part of the guardians of the law. And they have recognized the ineffectual nature of the traditional remedies — impeachment, recall and the ballot box. As early as 1914, Albert Kales, a crusader for judicial reform, wrote that "arbitrary . . . action by a judge arises principally from the fact that he is subject to no authority which can receive complaints against him and act upon those complaints. . . . " Kales recommended that a body of judges be empowered to investigate and follow up complaints in order to "exercise a corrective influence" on errant judges.

Council created

It wasn't until the late 1950s that California began to act on Kales' suggestion. Urged on by Chief Justice Phil S. Gibson, the State Bar and the Judicial Council developed a comprehensive program of disciplinary supervision which, after some modification, was passed by the

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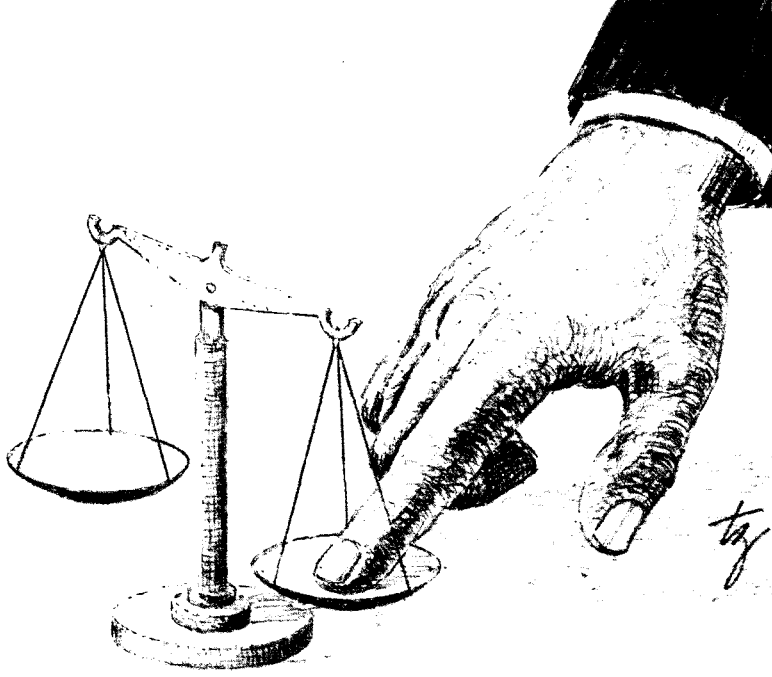

Legislature and put to the voters in November 1960. The proposed Commission on Judicial Qualifications was criticized by opponents on a number of grounds: Judges, they said, would be at the mercy of cranks. Judges were being singled out for special treatment — what about unworthy legislators, governors or other important state officials? Existing remedies were adequate to take care of the small number of cases of judicial misconduct; moreover, the procedure would be an unwarranted infringement on the basic right of the people to select judges.

Unimpressed by these arguments, the voters passed the amendment by a 3-to-1 margin. As Jack Frankel, who became the first (and so far only) executive officer of the Commission on Judicial Qualifications, wrote in summary: "Judicial independence had become a cloak for a brand of judicial absolutism. The fact that the California judiciary was one of the best, if not the best, in the country provided a climate in which the leadership of the bar and the judiciary could institute judicial accountability over the apathy of the 'stand-patters' and the attacks of the doom-sayers."

The Commission on Judicial Qualifications started functioning in March 1961. It is composed of nine members, five of whom are judges appointed by the state Supreme Court. Of the other four members, two are attorneys appointed by the governors of the State Bar and two are private citizens (neither lawyers nor judges) appointed by the governor. All members serve four-year terms.

The commission receives complaints from anyone — private citizen, government official, attorney or grand jury — who has a question about a judge. Its staff, consisting of Frankel and a secretary housed in the State Office Building in San Francisco, considers each complaint, then investigates those that seem to warrant review. At bi-monthly meetings, the commission looks over each case. It may request more information, or a statement from the judge, and it has the authority to subpoena witnesses, request medical reports, take evidence and make findings. After sifting all available evidence, the commission can recommend action against any judge it feels has been guilty of misconduct. The commission may only recommend, however; it is up to the Supreme Court to censure or remove a judge from office.

Two levels

There are a number of grounds specified in the Constitution for taking such action. One is a disability "that seriously interferes with the performance of his duties and is or is likely to become permanent." Others include willful misconduct in office, willful and persistent failure to perform duties, habitual intemperance, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

Over the past three years the commission has received a total of 657 complaints. Most lead to no action at all. "One function of the commission is to screen out and dispose of frivolous complaints — in a sense one of our roles is to protect judges against unfounded accusations," Frankel explained. Of the 657 complaints filed, 140 — or slightly more than 20 percent — were deemed worthy of investigation. In most of these instances a report was sent to the judge specifying the nature of the complaint and requesting his or her attention. For serious complaints, or when the judge contests the charges, a formal hearing will be held.

The commission operates on two levels, a public level of formal hearings, rules of evidence and Supreme Court actions, and a confidential level of quiet persuasion. Justice Louis Burke, writing four years after the commission started functioning, cited its "tactful suggestions" to judges "that if the practice complained of exists, it be discontinued" as a "sort of disciplinary power". A number of judges have chosen to resign or retire before any hearing is held and charges against them made public. Over the last three years, seven judges voluntarily left office while an investigation was in progress. "The number averages two or three a year now," Frankel said.

At its creation, the commission could only recommend that a judge be removed from office. However, that sanction proved too harsh even for serious instances of misconduct. The first time that the commission recommended removal of a judge, "citing 13 instances of misconduct," the Supreme Court dismissed the proceeding "with a curt order that the recommendation was unwarranted." That left some observers wondering whether a judge would actually have to be convicted of a crime to be removed from office. In 1966 another disciplinary weapon was added to the commission's limited arsenal. The Constitutional Revision Commission was reworking Article 6 (the judicial article) of the Constitution for submission to the voters. Included within the revision was a provision for censuring judges, as well as language broadening the grounds for discipline. The amendments, passed by the voters, allowed the commission to recommend censure in cases in which investigation didn't justify removal. Described by some as a "slap on the wrist", censure has been likened by Frankel to "50 lashes" for the errant judge.

Over the last five years, the commission has recommended censure of four judges and removal of another four. The first Supreme Court actions occurred in 1970 and 1971, when Judge Bernard Glickfeld, the judge who derided the rape victim, and Santa Clara County Superior Court Judge Gerald Chargin, whose tirade against a Chicano youth pleading guilty to incest had been widely reported, were censured. Interestingly enough, in subsequent elections Judge Glickfeld was defeated by a concerted effort on the part of the San Francisco Bar Association and a local newspaper columnist, while Judge Chargin was re-elected without opposition from the local bar. Some observers speculated that anti-Chicano sentiment played a part, and that the voters thought that Judge Chargin had already paid heavily enough for his outburst. The other two censures in-

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volved Los Angeles judges who furnished presigned orders to certain bail bondsmen for release of prisoners. The orders were subsequently filled in by bondsmen, bail fixed without further authority from a judicial officer, and then used to secure the release of prisoners arrested for felonies. No evidence was presented to show that the judges received payment for the presigned orders.

The dubious distinction of being the first judge in California history removed from office without conviction of a crime belongs to Los Angeles Municipal Court Judge Leiland Geiler. Judge Geiler was accused of shoving a "dildo" at a public defender, repeatedly making sexually suggestive remarks to female employees, using intemperate language and interfering with the attorney-client relationship between public defenders and their clients. The Supreme Court ordered his removal in 1973 for "willful misconduct in office and conduct prejudicial to the administration of justice that brings the judicial office into disrepute." Judge William D. Spruance of Alameda County Municipal Court was the second member of the bench removed from office. The action took place in 1974. Judge Spruance was charged with making vulgar gestures in court, threatening an attorney appearing before him, abusing his judicial authority by putting a public defender under restraint, giving favorable rulings to friends and supporters, and appointing two long-time acquaintances as attorneys for a disproportionate number of indigent criminal defendants in cases within his jurisdiction.

A third judge was removed from office last July, when the Supreme Court ousted Los Angeles Municipal Court Judge Noel Cannon, whose antics included "malicious" jailing of defense lawyers for contempt and threatening to perform "a .38 caliber vasectomy" on a policeman whom she called a "male chauvinist pig". In a fourth case — that of San Bernardino County Municipal Court Judge James J. McCartney, the Supreme Court accepted the findings but chose to reduce the sanction from removal from office to censure.

Since its inception the commission's performance has generated some significant dilemmas. One involves the length of time that it takes for a justified complaint to result in action. It may take as long as three years to remove a judge, and Frankel doesn't see any way to shorten the process. Once the complaint gets beyond the initial stage, it is essential to follow rules providing a scrupulously fair hearing and all the usual elements of due process. And that takes time. Nonetheless, the judge accused of significant misconduct will still be sitting, still rendering decisions affecting the lives of the people who come before the court.

Another dilemma centers on the procedure for registering complaints. Matters reaching the commission come from somebody's report. There is no monitoring of the state's courtrooms by the commission itself. (Frankel explicitly rejects such a role. "It smacks of spying and harrassment," he said.) While the chances of picking up misconduct through spot checks are slim, still there is undoubtedly a great deal of judicial misconduct that completely escapes the commission's attention.

Strengthening the commission

A number of ways of strengthening the commission have been suggested. An essential one is continued support from the Supreme Court. Jack Frankel sees the *Geiler* and *Spruance* cases (in which removal was ordered following a commission finding) as important precedents that will bolster commission authority. "By its opinions, the court may show its willingness to lift individual fitness beyond mere sufferance," he commented. Another suggestion is to provide a further specification of the grounds on which proceedings can be based. The present language concerning "willful and persistent failure to perform judicial duties" could be replaced by "activities injurious to the judicial process arising from gross incompetence, from failure to perform judicial duties, or from a violation of the Code of Judicial Conduct."

The commission favors expanding its disciplinary powers by adding private admonitions and public reprimands to its list of sanctions, giving it less formal procedures for the less serious cases that now slip through its net. Frankel also recommends that the commission's ability to investigate complaints be expanded. He would develop a panel of experts with which the commission could contract to make investigations.

Making change

Taken together these charges would allow the commission a much greater chance of identifying and disciplining the "judicial misfit". However, two of them would require a constitutional amendment, and so must await legislative scrutiny and a vote of the people. And another — money for investigators — is not in the cards in a time of fiscal stringency. Still, the wheels of change have been set in motion. For the past year the State Bar and the California Council of Judges have had a joint committee meeting to recommend means for making the commission more useful and more effective. Their report is expected to contain proposed constitutional changes to strengthen the commission.

In the future, as in the past, the commission will continue to serve two vital functions — protecting the public from improper judicial behavior and shielding judges from unwarranted accusations. As Justice Lewis Burke said a number of years ago: "By establishment of a program for the removal or retirement of those judges who fail to measure up to these high standards, the independence of the judiciary is fully protected and at the same time the public is assured of the continued service of capable, efficient and conscientious judges."

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CAMPAIGN '76

Midge and Jane or A tale of two wives

By ED SALZMAN

The most important person in California's most important 1976 election is a woman who detests politics. Her name is Midge, and the man she loves happens to be a political nymphomaniac. For a decade, she has been trying without success to stop him from running for public office and to spend more time with his family. This year she finally succeeded. As a result, Democrat John V. Tunney probably has been given a much easier path to another six years in the United States Senate.

Midge's husband is Houston I. Flournoy, who in addition to being one of the most successful of California's modern Republican politicians also has a quality relatively rare among egocentric politicians of all persuasions — a genuine dedication to wife and children. Flournoy wanted to run against Tunney, and the Field Poll showed that he had the best chance of winning. The possibility of a Flournoy candidacy sent shivers through the Tunney operation. Here was the middle-road, nice-guy candidate who had almost knocked off Jerry Brown in a super-Democratic year. Flournoy might even have been the favorite against Tunney. But, though the legs wanted to run, Flournoy was weighted down by other considerations — a debt from his gubernatorial campaign, a budding new career as a professor (and possibly as future president) at the University of Southern California, and above all the desires of the long-suffering Midge. Flournoy conceded that Midge had tamed his personal political passion when he announced that he would not be a senatorial candidate because of "personal considerations that relate to my family" and career opportunities. The latter possibility can be discounted because Flournoy would undoubtedly prefer to be a United States Senator to being president of USC.

Other contenders

The Flournoy withdrawal put the spotlight on the other Republicans who have been mentioned as possible contenders for the Senate seat Tunney took from George Murphy in 1970. The Field Poll had shown Congressman Barry Goldwater Jr., who represents a safe district in the San Fernando Valley-Ventura area, as the leading early contender with Flournoy out. Goldwater can probably win the nomination, especially if he is the only conservative in the race. But what price victory? Tunney drools at the prospect of facing Goldwater in what could be expected to be a rerun of last year's non-contest between Alan Cranston and state Senator H. L. Richardson. Goldwater has been making the rounds acting like a candidate, but he has stated emphatically that he will not run unless he feels that he can lick Tunney in November 1976.

The best guess is that Goldwater will bow out, leaving the field without a candidate with instant identity as a conservative. This is especially important because GOP primaries are usually won by the candidate with broad conservative support. State Senator Dennis Carpenter of Orange County will run only if Goldwater doesn't, and he is the kind of conservative who could win the GOP primary. But despite serving as Republican state chairman and despite his time spent in the Legislature, Carpenter has a name-identity problem. That will change in a hurry if he becomes the candidate of the conservative wing of the party. Carpenter is assuming that Goldwater will keep out, has hired a press secretary for the campaign and has a Friends for Carpenter organization out raising funds.

The Finch connection

Liberals or even moderates — such as Flournoy — only win Republican primaries under unusual circumstances (such as the indictment of Ed Reinecke before the gubernatorial primary last year). But former Lieutenant Governor Robert Finch is not the ordinary California political moderate. Philosophically, he is in the same category as Flournoy, but his political connections run into the conservative ranks as a result of his long association with Richard Nixon. Finch is probably the best political organizer in the race. He started early, obtained seed money for the contest last year, and has been contacting GOP workers throughout the state for many months. But can he sell himself to the general public? The big unknown is what Finch's long connec-

Renault — McClatchy Newspapers

"It's Senator Tunney. He wants to know if there's room

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tion with Nixon will do to his reputation. After all, Finch was so close to Nixon that he was offered the vice-presidential nomination that eventually went to Spiro Agnew. Will the public understand that Finch was one of those shunted aside by Bob Haldeman and John Ehrlichman? These questions apparently will be answered, for there is nothing to indicate that Finch will withdraw from the race.

If there is only one major conservative candidate in the race — Goldwater or Carpenter — Finch's big problem then becomes one of keeping other moderates off the ballot. And that may be impossible. Congressman Alphonzo Bell is somewhat to the right of Finch on the political spectrum but hardly qualifies as a conservative like Goldwater or Carpenter. Bell has been acting very much like a candidate, and the quantity of mail sent to opinion leaders by his organization has been exceptionally heavy. But somehow there is a suspicion in the political community of the state that he will pull out unless he receives encouragement from the next Field Poll.

Until this year, Bell might have been considered an excellent prospect because he probably would have been able to muster large campaign contributions from his friends in the business community. (Bell himself is in the petroleum industry, and he has excellent contacts among the state's industrial leaders.) But the new federal limitation on campaign contributions will hurt him a great deal, since no individual may now donate more than $1,000 in the primary and again in the general. It may take $1 million to run a successful U.S. Senate campaign this year, and that isn't easy to raise when a husband and wife can contribute no more than $4,000 together for a campaign.

Two more possibilities

Aside from Finch, Bell, Goldwater and Carpenter, there are two other possible Republican candidates who must be taken seriously at this stage. The first is Los Angeles County Supervisor Pete Schabarum and the second is S. I. Hayakawa.

Schabarum has a larger constituency (1.2 million) than any other candidate except Tunney. He is a former assemblyman and was a football star during his college days at Berkeley. With good name identification and a conservative reputation, his entry into the race would hurt either Carpenter or Goldwater.

The feisty former president of San Francisco State University, semanticist S. I. Hayakawa, is acting like he plans to run, too. Hayakawa was barred from the Senate ballot two years ago because he had not been a Republican long enough. Now he qualifies, and although Hayakawa is getting along in years he has the ego and energy to wage a vigorous campaign. The Field Poll showed that he has slipped somewhat in popularity but would still be a major contender. The big question is whether Hayakawa will be viewed as the tough, pro-Reagan disciplinarian of the San Francisco State riot days or as a Republican with a philosophy that is more commonly attributed to Democrats. If nothing else, a Hayakawa candidacy would make the race more exciting than usual (and give Tunney something to worry about as well).

The Hayden factor

While the Republican lineup probably won't be clear until filing time in February, Tunney's opposition in the Democratic primary has been known for some time — former anti-war activist Tom Hayden. At this stage, the question doesn't seem to be whether Hayden can win but rather what percentage of the vote he will get. Tunney obviously is not worried about being defeated by Hayden. Perhaps the most optimistic guess among political animals is that Hayden will capture 40 percent of the vote, and even some of Hayden's people are talking in the 30-percent range.

Tunney is considered vulnerable by Republicans because he doesn't seem to carry the public esteem normally accorded a United States senator. He won the Senate seat the easy way, and Republican leaders probably feel that easy-come, easy-go applies in his case. Tunney could well owe his entire political career to the fact that he had instant recognition because of being the son of former heavyweight boxing champion Gene Tunney. The Senator also has a close relationship with the Kennedy clan, having been a college roommate of Ted Kennedy. He won a congressional seat in Riverside County after the military had installed him there, and then took the senatorial primary six years ago away from the darling of Democratic liberals, Congressman George Brown, by running a better financed media campaign. In the general, Tunney won by a rather slim margin, considering that George Murphy had the Technicolor scandal draped around his neck. For six years, Republicans have been waiting for a shot at him. But when Flournoy pulled out, Tunney's chances for reelection took a big leap forward.

Tunney has a shrewd media aide, former San Francisco newspaperman Hadley Roff. The newspapers recently have been full of stories favorable to Tunney — how he maneuvered the voting-rights bill through the Senate, how he has changed his views on national health insurance because of the economic crisis, how he proposed to penalize employers who hire illegal aliens. He has boosted his stock among the Chicanos of California (and among liberal Democrats generally, witness his enthusiastic reception before the California Democratic Council convention). Despite the Hayden candidacy, Tunney will not be a soft touch in November 1976 for any Republican, especially a conservative. The Democrats may not be ecstatic about Tunney, but he has done a slick job of at least neutralizing his weaknesses within the party.

Mr. Jane Fonda

Where, then, can Hayden expect to find his support? He probably has better name identification as Mr. Jane Fonda than as the leader of the radical Students for a

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Democratic Society during the Vietnam War. And, politically, Jane Fonda is hardly the ideal banner to be carrying into the political wars arena, although it helps plenty in the publicity department. Hayden is hoping his support will come from the majority of the population that has been turned off politics-as-usual and will be attracted to his anti-establishment theme. He has an obvious source of support among campus activists, ultra-liberals, readers of *Rolling Stone* and those who just simply are voting against all incumbents these days. It is symptomatic of the way the media covers politics that there is more interest in Hayden among writers than in any candidate who has a chance to win. Hayden is a political phenomenon, and the attention he will get should help him build up a substantial vote in June.

Much of Hayden's California political reputation stems from an article he wrote in *Rolling Stone* last year about Jerry Brown. In actuality, the article told more about the 35-year-old Hayden than it did about Brown. Key quotes:

The system of rule established in the Thirties is now in a state of acute malfunction, if not total breakdown. . . . The greedy interests that the New Deal was designed to curb have worked their way back into every branch of government. . . . On the psycho-spiritual level, Vietnam and Watergate and now the economic woes have undermined whatever consensus there was holding America together. . . . The desire for morality and traditional values is resulting in a sharp rise in the number of people defining themselves as conservative. . . . A new political reformation, the most important since the New Deal, is a predictable answer to the floundering of government. Reaction and repression are temporarily discredited and revolution is far off. Between these alternatives an urgent search is going on for a "new center" of ideas, rules of political economy and social programs as far reaching as the New Deal.

Writing in *New York* magazine, Richard Reeves asks whether Tom Hayden has fallen for the attractions of the system or has sold out. Or, asks Reeves, is the American system so appealing and so flexible that even a determined revolutionary like Hayden can't get outside it? The importance of the *Rolling Stone* article is that hayden decided to run for Senate while working on the Brown piece. In other words, if weirdo Brown can become governor, why not Tom Hayden for senator? The answer is that the public saw Brown as the son of Pat and not as the husband of Jane.

Throwing stone

While Hayden has generally received a sympathetic press, the notable exception has been an article by Fred Gardner in Francis Ford Coppola's magazine, *City*, a competitor of *Rolling Stone*. Gardner, who claims to have been an anti-war associate of Hayden, concluded his demolition job with this comment: "I think the script eventually calls for Hayden to become our Kerensky — the 'socialist' who was installed in power by the Russian ruling class as a last-ditch effort to thwart the Revolution."

If this thesis is correct, Hayden this time around may be attempting merely to demonstrate that he can muster support from more than the kook element in California society. And if Hayden should get about one-third of the vote, he may be a major factor in California political circles for many a future election. At least he won't have to worry about a wife attempting to curb his political nymphomania.

NEWSMAKERS

The more things change . . .

Consumer Action of San Francisco charged that Brown's two appointees to the state Public Utilities Commission, **Leonard Ross** and **Robert Batinovich,** are no better in protecting consumer interests than holdover appointees of former Governor Ronald Reagan. After a long delay, the Senate confirmed Brown's campaign manager, **A. Thomas Quinn**, as chairman of the state Air Resources Board. The vote was 23-10 . . . . While Quinn no longer seems to have the Governor's ear, the man who does is **Jacques Barzaghi,** 37, who serves as Brown's adviser on art and, apparently, as a sort of personal guru. . . . **Robert Carleson,** former Reagan administration welfare director, resigned as United States Commissioner of Welfare.

After years of talking retirement, veteran Republican state Senator **Donald Grunsky** of Watsonville issued an announcement that he will not seek reelection next year. Republican Assemblyman **Robert Nimmo** of San Luis Obispo announced his candidacy for Grunsky's seat. Former Republican Assemblyman **Bob Wood** may try a comeback in Nimmo's district . . . . Mayor **Tom Bradley** of Los Angeles approved a proposal to pay Senator **Alan Robbins** $299,000 for seven acres of land the city wants for a park. Robbins is gearing up for a run against Bradley in 1977.

Reporter **Jerry Gillam** of the *Los Angeles Times* resigned as president of the Capitol Correspondents Association, fed up with the aggravation of the job. After Vice President **Carl Ingram** of United Press International refused to move up, **Richard Rodda**, political editor of the McClatchy Newspapers, won a special election . . . . The *Sacramento Bee* named assistant editor **Thor Severson** as the paper's first ombudsman or internal critic . . . . **Edwin M. Daugherty**, state corporations commissioner under seven governors, died at 91.

Secretary of State **March Fong Eu** named **William N. Durley**, Sacramento county clerk, as chief of the elections division in her office . . . . Brown caused a further shake-up in Capital City politics by naming Sacramento Mayor **Richard Marriott** to the state Unemployment Insurance Appeals Board. Marriott was running for reelection, and his name cannot be removed from the ballot.

Other Brown appointees: **Sid McCausland,** deputy secretary of the Business and Transportation Agency, as acting director of the Department of Transportation, succeeding **Howard Ullrich; Gordon R. Gaines** of Berkeley, a member of the Peace and Freedom Party, to the Workers' Compensation Appeals Board; **Steven E. Smith,** executive assistant to Lieutenant Governor Mervyn Dymally, as executive secretary of the Commission for Economic Development; **Verne Orr**, Reagan administration finance director, to the Board of Governors of the California Community Colleges (Orr had previously been named to the Little Hoover Commission); **Joseph C. Houghteling**, Bay Area publisher and former highway commissioner, as chairman of the San Francisco Bay Conservation and Development Commission.

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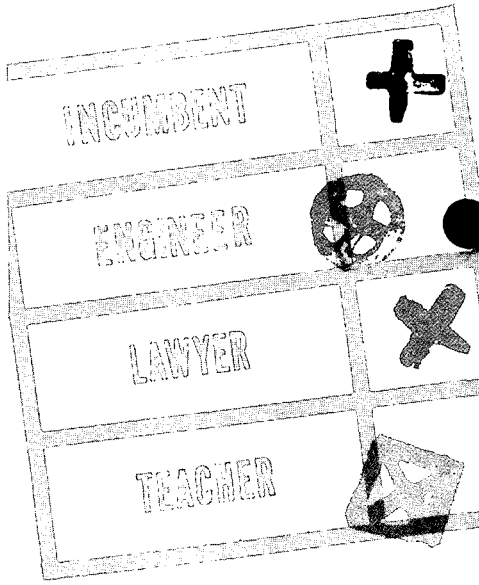

Ending of ballot favoritism and what it means

By Bruce Bolinger

On July 7th, the state Supreme Court, in *Gould* v. *Grubb,* officially recognized what political practitioners have known for many years — that the top position on the ballot in many elections is a distinct advantage. Because these positions have been reserved by California law to incumbents and to candidates whose names came first in the alphabet, the court concluded that their opponents' supporters were being discriminated against as a class in violation of the equal-protection clauses of the federal and state constitutions. Although passage of Proposition 9 last year deprived incumbents of an automatic top-of-the-list position, alphabetical order had remained intact. In its decision, the court left it up to the Legislature to find a constitutionally acceptable alternative to an alphabetical listing.

A recent study by William N. Durley, former Sacramento County clerk who joined the Secretary of State's office last month, examined the votes of 99 candidates in 1970 and 1974 statewide primary races in which there were no incumbents and the names of all the candidates were rotated by Assembly district. The results: When candidates were listed first on the ballot, their percentage of the total vote cast was, on the average, almost 5 points higher than when they appeared last. Ballot position had the least impact on voters in the highly publicized United States Senate and gubernatorial primaries, but it obviously entered into voter choices in other races. Two of the losers in 1974 would have won had they been listed first throughout the entire state instead of just in their share of the Assembly districts:

- Walter Karabian received 31.2 percent of the total vote cast when he was listed first, compared to March Fong's statewide percentage of 28.9.
- Lawrence Walsh, with 32.5 percent when he was listed first, would have defeated Mervyn Dymally, who had 29.9 percent statewide.

Over the years, the Legislature has shown its awareness of the impact of ballot order on elections. In 1911, it decided to try to reduce that effect by requiring the candidates' names to rotate by Assembly district in statewide, Board of Equalization, and congressional elections. In 1935, however, a Legislature of a different mind added the requirement that incumbents be listed first.

ABCs of elections

The effect of alphabetical order on county central committee elections had gotten so out of hand by 1941 that state Senator Robert Kenny introduced a bill that provided for a system of drawings to determine ballot position. By then almost 50 percent of the members of the Los Angeles County Democratic Central Committee had names beginning with the letters A, B, C or D. It is ironic that a system for determining ballot order adopted 34 years ago for the most obscure elected office now, at the very least, will have to be applied to all offices lacking effective systems of name rotation.

In the San Francisco municipal elections of 1941, the positions of incumbents at the top of the ballot became both an issue and a campaign strategy. The city was then still deferring to state law on ballot position. With 19 candidates running at-large for the five supervisorial seats and with incumbents listed first, the anti-incumbent forces adopted the slogan "skip the first five". The campaign was almost entirely successful in directing the voters' attention past the top of the ballot to the opposition slate. Only one of the incumbents survived, and he received the lowest vote of any supervisor elected that year. The new Board of Supervisors, in 1942, perhaps aware of their vulnerability at the top of the ballot, presented a charter amendment to the voters in the November elections requiring rotation of all candidates' names by Assembly districts, without regard to incumbency. It was adopted overwhelmingly.

Question of strategy

Ballot position obviously has been a part of campaign strategy in the past and will continue to be in the future — whatever reforms the Legislature decides to adopt. When candidates have been listed alphabetically, there have often been suspicions that certain ones were filed only because they would appear first and drain off someone else's votes. Even in elections in which candidates' names have been rotated, campaign managers have had to vary strategy to take into account whether their candidates' names were prominent on the ballots or buried in long lists of names. This applied in the past to statewide, Board of Equalization, congressional and certain county races, and will apply in the future to any additional offices to which the Legislature decides to apply the principle of rotation.

A new factor will be introduced if the Legislature requires rotation by clusters of precincts, such as every 10 or 20 precincts, since whoever has the authority to decide which precincts are grouped for rotation purposes has a power similar to that involved in reapportionment — various types of voters with certain voting patterns can be concentrated or dispersed among the clusters. There are other possibilities as well. One elected county clerk, only half in jest, said, "Give me the power to pick the precincts and I'll put my opponent's name first in the precincts without any voters!"

The author is a consultant to the Assembly Elections and Reapportionment Committee.

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Judging Dymally

Which standard, White or Black?

By CARLA LAZZARESCHI

A lot of people are wondering what Lieutenant Governor Mervyn Dymally is up to these days. Some want to know simply because they aren't sure what a lieutenant governor actually does while serving a "heartbeat away" from the governor's office. But most people want to know what Dymally is doing because of recent newspaper reports raising serious questions about his political integrity and suspicions that he is just one step ahead of the law.

Dymally, a 48-year-old native of the West Indies, waged a Horatio Alger battle to get where he is today. But there are some significant twists to Dymally's story. Unlike Alger, Dymally is Black, and his success has largely come from a Black society anxious to break into a political world tightly controlled by Whites. Dymally owes his success to learning the rules of White-dominated politics and manipulating them to build a power base among a Black constituency, a constituency that for the most part had been ignored and that, by all standards, was politically naïve. Dymally's first success came in 1963 when he was elected to the Assembly from the almost totally Black Watts district of Los Angeles. In 1966 he took advantage of a newly reapportioned "safe" Black district to become the first Black to win a seat in the state Senate. And in 1974 Dymally became the first Black elected to a statewide partisan post, that of lieutenant governor.

The work and methods that assured these accomplishments, however, do not much resemble the bootstrap efforts of Horatio Alger. During the years he was climbing, Dymally openly and unabashedly used his position to bring the political and economic benefits once exclusively reserved to upper- and middle-class Whites, to other Blacks. The allegations recently leveled by a team of *Los Angeles Times* investigative reporters stem from this period of Dymally's career, the time when he was working to get other Blacks elected to state and local offices and helping Black businessmen cash in on the flow of government contracts.

While the questions raised about Dymally's integrity and the legality of his actions are clearly embarrassing and fuel speculation that he sees political office largely as a way to help his friends, Dymally so far has not been indicted nor found guilty of any wrongdoing. But his situation raises questions of whether past political activity is now being judged not by the penal code but by a new moral code undeniably influenced by the politically corrupt events known today as Watergate. It also hits on the questions of whether society has, or should have, different moral standards for politicians of different races. It also raises questions of whether a Black politician can get away with chicanery by saying that anybody who disagrees with him is a racist.

To many in California the charges printed in the *Times* two months ago were serious. The *Times* reported that Dymally misused funds from a non-profit institute he created in Los Angeles in 1968 to help bring minority youths into government. Specifically, the *Times* said that, during the five-year life of the Ford Foundation-funded Urban Affairs Institute, Dymally drew approximately $7,000 in salary as the program's coordinator, even though he was a legislator at the time. The *Times* also said that under Dymally's leadership the institute:

- Allowed members of his family and some of his political allies to receive scholarships, fellowships and grants from program funds.
- Kept loose rein over office equipment and furniture purchased with foundation money.
- Maintained shoddy accounting records.
- And reimbursed Dymally's protégé, Bill Greene, who now has Dymally's former state Senate seat, for unauthorized travel expenses.

The institute received nearly $800,000 in grants during its existence.

Dymally has not categorically denied any of the basic facts on which the charges were based. He has, in fact, acknowledged them and said that the Urban Affairs Institute was "a typical, indigenous, ghetto-based" operation rife with problems. Dymally is not asking forgiveness, because he maintains that nothing he's done needs forgiving. He is, however, asking for understanding and, in order to do that, it is necessary to examine how the charges fit into Dymally's political style.

'Working the system'

How Dymally ran the Urban Affairs Institute during its five-year life from 1968 to 1973 is a good indication of how Dymally operated throughout his legislative career to gain power for himself and for other Blacks and minorities. "I take a perverse delight in working the system," Dymally said in a recent interview. "Nothing makes me happier than beating the system. I am using the White man's rules and in some cases I am winning."

When Dymally came to the United States in 1946 from the West Indies he was, according to his official biog-

The author has previously written on People's Lobby and Senator Randolph Collier for the Journal.

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raphy, "a penniless immigrant [who] worked as an oil worker and teachers' union organizer before beginning his political career." Before he ran for the Assembly in 1963 Dymally worked hard in Black communities for Democratic campaigns. It was in these early efforts that he began his unceasing fascination with organizing and running political campaigns. He says he still spends all his waking hours organizing. One friend simply said he "eats, sleeps, drinks and screws politics." Whatever way it's put, it still means that Dymally learned how to win elections in the Black ghettoes of Los Angeles. He learned how to circulate a sample ballot that remarkably resembled the official ballot but contained candidates endorsed only by him. He learned how to operate a precinct mail program. He learned how to use the Black radio stations in Los Angeles. And he learned how persuasive appearances at Black churches could be. In short, during the 1950s and early 1960s, Dymally was learning all he needed to build an effective machine and gather supporters to launch his own political operation.

And it was in this period that Dymally learned how far he could push the limits of the law before he would be called to account for it. ("He'd never turn in a fallacious tax return to the Internal Revenue Service," said a close Dymally observer and friend.) He learned to take advantage of sloppy rule enforcement, ambiguous regulations and public apathy to rule-skirting. If something worked and others had used it without being challenged, Dymally used it, too. He does, as one former aide said, "shave the law close." Another former aide put it this way: "What happens when a ghetto guy gets in and he wants to move fast? He doesn't look at the law books like the White middle-class readers of the *Los Angeles Times*. He moves quickly, snatching up what he can. The law, to him, is not what's in a set of books; it's what's allowed, and he's shoving up against that as hard as he can."

Little personal gain

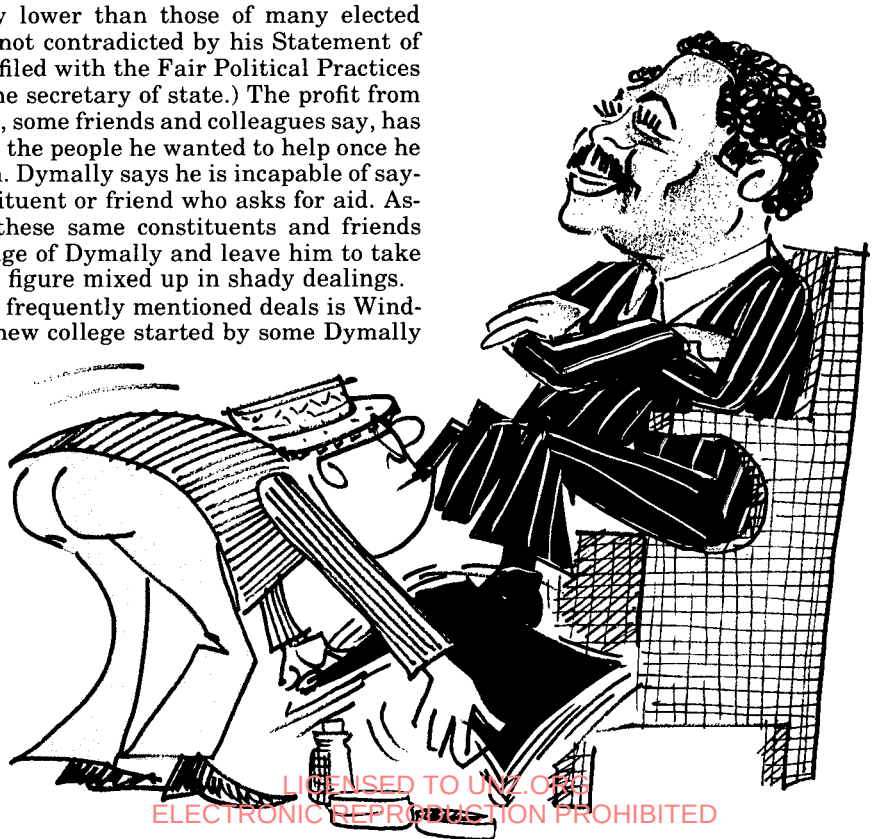
Yet for all his rule-bending and expediency, Dymally personally appears to have gained little economically. (Dymally calculates his net wealth at about $35,000, a figure considerably lower than those of many elected state officials and not contradicted by his Statement of Economic Interest filed with the Fair Political Practices Commission and the secretary of state.) The profit from Dymally's dealings, some friends and colleagues say, has gone to his friends, the people he wanted to help once he became a politician. Dymally says he is incapable of saying "no" to a constituent or friend who asks for aid. Associates say that these same constituents and friends often take advantage of Dymally and leave him to take the rap as a public figure mixed up in shady dealings.

Among the most frequently mentioned deals is Windsor University. A new college started by some Dymally associates (with Dymally's help as a state official), Windsor has run into accreditation problems and charges that it has engaged in misleading advertising and is offering a substandard education to its predominately Black student body. Another venture that still haunts Dymally is the Batik Wine Company, a business started by some of his friends to market bulk wines in ghetto neighborhoods. The business wound up getting a state contract to operate a prepaid health plan for Medi-Cal patients when the wine business ran into financial problems. In both instances, Dymally associates maintained, the Lieutenant Governor was victimized by the very friends he sought to help in giving them access to government contracts or licenses.

Different standards?

Dymally's mistake, and what caused his current problems, these aides and some colleagues say, was his carelessness in choosing his associates and friends and his openness about his rule-skirting. In the mid-1960s, Assemblyman Dymally was assigned a young college graduate from a ford Foundation-sponsored internship program. A legislative employee said that Dymally wanted to use his aide to help in the Assembly campaigns of Leon Ralph and Bill Greene and in his own campaign for a Senate seat. But using these interns for political activity was strictly forbidden by the Ford program. "Merv got [Assembly Speaker] Jesse Unruh's permission to do what he wanted and he did it," the legislative employee recalled. "Jesse wouldn't have admitted to what he had done, but Dymally was completely open about it. Merv deals in reality, not theory. If something exists and is condoned, he takes advantage of it. Others might take advantage of it, too, but they wouldn't openly condone it. He's candid about what he does." It was this expedient, rule-bending style that got Dymally what he says he was after: increased political power for Blacks and other minorities.

The Urban Affairs Institute was a key element in this effort. The institute, designed to teach young members of minorities in Los Angeles ghetto neighborhoods how



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What the lieutenant governor does

The Office of Lieutenant Governor first became a part of California politics in 1849, the year the state's first constitution was adopted. Then, as now, the lieutenant governor's chief responsibilities were to preside over the state Senate, casting only a tie-breaking vote, and to assume the governorship in the event of a vacancy. The duties have been expanded by laws putting the lieutenant governor on something like a dozen committees regulating a variety of state programs. The office has also accumulated many jobs other constitutional officers — most notably the governor — didn't want. These have included chairmanship of the Governor's Task Force on Narcotics Enforcement, the Advisory Commission on Youth, and the Board of Trustees of the State Burial Grounds.

Because California does not require the governor and lieutenant governor to be from the same political party, and because the only constitutional job is to preside over the Senate, the lieutenant governor's activities vary from administration to administration. If there are strong political, philosophical and personal bonds between the governor and lieutenant governor, as existed between former Governor Ronald Reagan and former Lieutenant Governor Ed Reinecke, the office may acquire many responsibilities. But if there is little common ground between the two office-holders, (as appears to be the case with Governor Edmund G. Brown Jr. and Mervyn Dymally,) the lieutenant governor may have to look for jobs to keep busy. Thus, the incumbent has pushed the efforts of the Economic Development Commission, which he is required by law to head. In addition to the great amount of time Dymally spends trying to promote the state's economic development and employment, the three most important committees the Lieutenant Governor he also serves on the UC Board of Regents, the Board of Trustees of the California State University and Colleges, and the State Lands Commission (which regulates offshore oil production and state-owned waters).

to break into politics, trained many of the new minority faces in both the Legislature and in Los Angeles politics. Dymally uses this as his number-one defense; he wants people to assess the institute by its results, not by its methods. "When I was working to get more Blacks and other minorities into public office, the bureaucracy had already failed us," he said. "We had to go outside the bureaucracy. We had to be aggressive and consistently violate the rules to get things done. And we succeeded. That program increased minority political awareness, and there are more elected and appointed minority people in California politics than ever before. What I did then was necessary, effective and imperative. What's happening now is that the bookkeepers have taken over, and they are judging the mood and responses of the sixties with the rules of the seventies."

Dymally says that a Black politician from a ghetto neighborhood must act differently than a White politician representing a middle-class district. And because the two politicians must respond differently, they should be judged by different standards, he maintains. His problem, Dymally says, is that he is being judged by White standards. His position is that he has helped — not hurt — Blacks, and that he should be judged by what his constituents think.

"No Black condemns what Dymally has done or even looks with a different eye," said Willie Brown, a Black assemblyman from San Francisco who has had his political differences with Dymally. "The attacks come from a White liberal mentality of moralists. They don't understand why a man would need to pay himself a salary from a foundation grant while he was a legislator. But a Black would wonder, why not? One thing that you'll find in Black ghettoes is that Black preachers start a lot of new churches. They get mad at something and start their own place. And the first dollar that comes in the door pays the salary of the new preacher. You have to understand the Black man's perceptions. He says, 'If it's not illegal and the system is there, there's no exploitation.' So you can't judge Merv's tactics in the absence of his constituency."

Argument of racism

In addition to asking to be judged according to what Brown calls the "Black man's perceptions", Dymally is also asking why the White man's rules he is being judged by haven't been equally applied to white politicians and institutions. In doing so, he is raising the specter of racism. The war on poverty was shut down, he said, when it failed; but, he added, when the Pennsylvania Railroad and Lockheed were headed toward bankruptcy because of mismanagement, the government gave them money. And when students protested University policies at Berkeley, the government jailed the students, he continued; but when students complain about something at Winsor University, the state wants to shut the college down.

"There's a terrible vulnerability in being a Black politician," one of Dymally's former associates said, "because the public is always suspicious that the 'nigger' is stealing. It's a self-fulfilling prophecy. But when the White guys do the same thing, they manage to cover their tracks well enough that only the most persistent looker would discover it. If you looked hard enough, you'd find that almost every politician is up to some shennanigans, but they do it in different ways."

New constituency

Racism is a nearly impossible argument for Whites to refute, and Dymally knows that. It is his ace, and he plays it well. But its political potency is considerably less now that he no longer represents a Black district. As lieutenant governor, his statewide constituency is largely middle-class and White. Only some of these voters will want to understand Dymally's problems as a Black politician; a significantly larger number will likely be assessing him with their newly found post-Watergate standards of political ethics.

Dymally said a few weeks ago that he wanted to be judged on what he did as lieutenant governor. If that is so, his style will be changing to reflect his need to consolidate his new, broader constituency; he will have to produce results for Blacks and Whites alike — and in a manner that the majority of voters can understand. And if he learned the lessons of his teachers — that results count — his style *will* change. "When Merv was a legislator," Willie Brown said, "he played the rules without being concerned about getting the White man's approval. But he will probably yield now because no one wants to get his ass kicked again."

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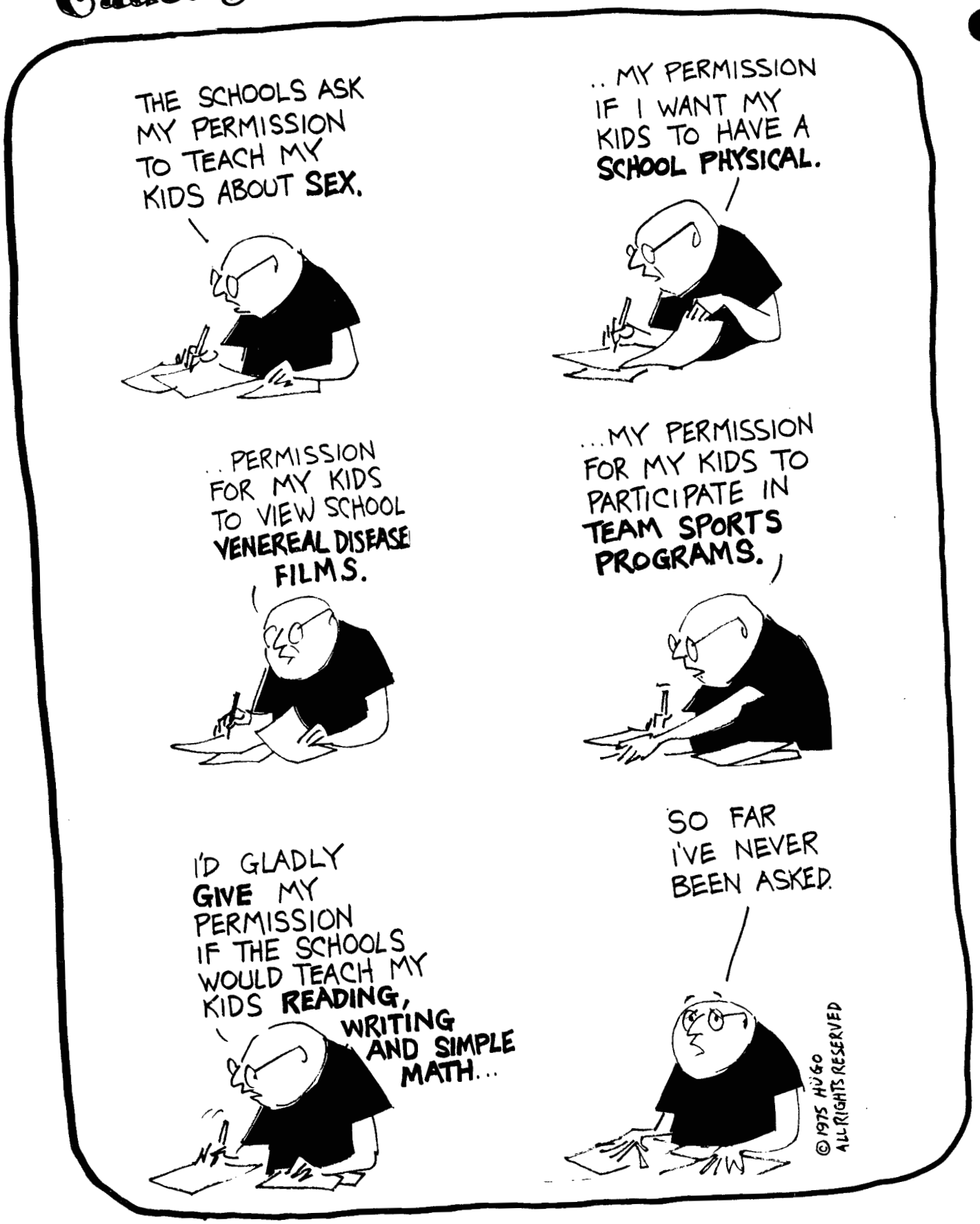
Caucus

by HÜGO


THE SCHOOLS ASK MY PERMISSION TO TEACH MY KIDS ABOUT SEX.
.. MY PERMISSION IF I WANT MY KIDS TO HAVE A SCHOOL PHYSICAL.
.. PERMISSION FOR MY KIDS TO VIEW SCHOOL VENEREAL DISEASE FILMS.
...MY PERMISSION FOR MY KIDS TO PARTICIPATE IN TEAM SPORTS PROGRAMS.
I'D GLADLY GIVE MY PERMISSION IF THE SCHOOLS WOULD TEACH MY KIDS READING, WRITING AND SIMPLE MATH...
SO FAR I'VE NEVER BEEN ASKED.
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Brown and women

How affirmative the action?

By NANCY FRIEDMAN

The story of how women have fared in state government and politics since the advent of Governor Brown's "New Spirit" reads something like a good news-bad news joke. First, the good news:

- For the first time in its history, California has a female secretary of state — the highest elective state office a woman has won.
- Also for the first time, two members of the Governor's cabinet are women.
- Women are gaining entry into non-traditional appointive positions — membership on the Adult Authority Board, for example.

Then, there's the bad news:

- There still are no female state senators (nor have there ever been in California history).
- During Governor Brown's first six months in office only 13 percent of his appointments to boards and commissions were women.
- There are no women in the Senate's top professional salary range (assistants to leadership); only two women on the Senate staff are ranked above the level of associate committee consultant.

In his inaugural address Governor Brown promised that "both men and women will have an equal opportunity to obtain every available job." His first appointments seemed to bear out that promise — Rose Bird was named to head the Agriculture and Services Agency, and Claire Dedrick was chosen as secretary of the Resources Agency. Brown's appointments assistant, Dr. Carlotta Mellon, had been a women's studies professor at Pomona College, and during the transition period she toured the state to encourage women to seek appointive posts in the new administration. Women's groups lobbied the new Governor to "screen in" women because, they maintained, women had been "screened out" in the past.

'No quota'

Six months into the Brown administration, there was some grumbling to be heard from those women's groups. Members of the Commission on the Status of Women, as well as other feminists, complained that Brown's appointments of women were to the few highly visible positions that attract publicity. The more numerous middle-level jobs, it turned out, were being filled mostly by men.

It is not entirely the responsibility of the Governor — nor of his staff — to bring about equal representation of women in state government. Furthermore, the administration's policy is one of affirmative action in spirit though not necessarily in letter. "We have no quota system in mind," says Carlotta Mellon. "Although we feel that groups shouldn't be excluded because of their minority status, we're more concerned with bringing in the best-suited people for the job in terms of expertise, administrative background or life experience."

Those females who have won appointments in the Brown administration have been universally praised by women's organizations for their experience and competence. There is a sense of relief that the female appointees are not "tokens" but instead are well-qualified individuals chosen for their merits and not just their gender. With talent such as this available, some women wonder why Brown has not appointed more women to vacant positions, particularly on key boards and commissions. All five of Brown's appointees to the state Energy Resources Conservation and Development Commission — called by commissioner Bob Moretti "unquestionably the most powerful commission in the state" — were males. Brown has made four appointments to the Commission on Government Organization and Economy (the "Little Hoover Commission") — all males. Both of his appointments to the Public Utilities Commission were men. In all, of 60 appointments made to boards and commissions in the first six months of the Brown administration, only eight were females.

Disappointing reality

"Frankly, the reality (of the Brown administration) is disappointing," said Pamela Faust, executive director of the California Commission on the Status of Women. "In spite of all the publicity, women are still in non-decision-making positions, in the least interesting, lowest-paid jobs."

While women have had moderate success in winning

The author, a graduate student in journalism at the University of California at Berkeley, is a summer intern with the California Journal.

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Professional female employees on legislative staffs

	March 1971			March 1974			July 1975		
	Professionals	*Women*	%	*Professionals*	*Women*	%	*Professionals*	*Women*	%
Senate	157	10	6.3	221	23	10.4	217	69	31.8
Assembly	131	16	12.2	180	41	22.7	280	86	30.7
Joint	55	4	7.2	85	16	18.8	35	12	34.3
TOTALS	343	30	8.7	486	80	16.5	532	167	31.4

appointive offices, they have only maintained the status quo in elective politics. Despite educational blitzes by the National Women's Political Caucus and the National Organization for Women, most would-be female contenders still find the challenge of financing a campaign and running for office overwhelming. Three women ran for Assembly seats last November; only one of them won — Leona Egeland of Santa Clara. (Another woman, Teresa Hughes of Los Angeles' 47th District, won a special election held in July.)

Even males who have never before run for office have certain advantages over their female counterparts. For one thing, the business community is more willing to listen to men and to help finance their campaigns. "I had to personally contact everyone who contributed to my campaign," Egeland said. "A man might make one or two contacts in the business community who would spread the word for him."

Egeland also blames the structure of California government for some of the difficulties female candidates encounter. In Arizona (her home state), she pointed out, there are nine women in the legislature. But Arizona's assembly districts encompass 40,000 people while Egeland's Santa Clara district represents 250,000. "Personal contact with voters is very important for a woman candidate," Egeland maintains. "It overcomes the fear people have of women office-holders. With smaller districts, more women could probably campaign and win." Egeland, who considers her function as a model to other women as equally important as her legislative function, has received inquiries from 10 women who plan to run for state office asking her advice.

Women in rural counties are more likely to be found in local government than are urban women. Of the state's 12 female county supervisors, six are in rural counties; none is in Los Angeles or Orange counties. Likewise, nearly all of the state's 30 female mayors were elected in rural towns; the exception is Janet Gray Hayes, who was elected mayor of San Jose last November. Local government office in rural areas may be unsalaried, though, and often women who attain these positions are simply following the pattern of voluntary community service that women have traditionally chosen.

Governor's key female appointees

Name	Position	Salary
Rose Bird	Secretary, Ag. and Services Agency	$43,404
Claire Dedrick	Secretary, Resources Agency	43,404
Virginia Mae Days	Director, Department of Veterans Affairs	34,101
Janet J. Levy	Director, Office of Aging	31,008
Carlotta Mellon	Appointments Assistant	31,000
Alice Daniel	Ass't. Director of Legal Affairs	31,000
Brook Carey	Sup't. Calif. Institution for Women	29,688
Florence Kong	Deputy Appointments Secretary	24,000
	Boards and Commissions	
Ruth Rushen	Member, Calif. Adult Authority	31,008
Pearl West	Member, Youth Authority Board	26,250
Mary Nichols	Member, Air Resources Board	12,504
Jan E. Chatten-Brown	Member, Tahoe Regional Planning Agency	expenses
Ann Eliaser	Member, Tahoe Regional Planning Agency	expenses
Louise Giersch	Member, Seismic Safety Commission	per diem & expenses
Suzanne Jackson	Member, Calif. Arts Commission	expenses
Mary Jean Pew	Trustee, Calif. State Colleges and Universities	expenses
Jackie Walsh	Member, Industrial Welfare Commission	per diem

Legislative jobs

The most encouraging area for women in state government has become the legislative staffs. Female professional employees — consultants, research aides, analysts and administrative assistants — account for 31 percent of all professionals in both the Senate and the Assembly. In the Assembly, 40 percent of employees hired or reclassified to professional levels since July 1974 have been female. Two of the 20 Assembly committee consultants are women — Eve Ostoja (Intergovernmental Relations) and Renée Franken (Urban Development and Housing). Cathy Creegan is one of three co-consultants to the Senate Finance Committee. When *California Journal* last surveyed women in state government, there were no female consultants to standing committees. Assembly Rules Committee consultant Fred Taugher denies the existence of a quota system in hiring but says the Assembly leadership is making a "conscious effort" to fill vacancies with women and ethnic minorities. [See "Women in politics: the frustrated majority," *CJ*, March 1974, and "Legislature's $25 million staff," *CJ* August 1974].

Salaries for women in these positions have not achieved the level of their male counterparts, however. The average annual salary for a female professional employee in the Assembly is $15,984, compared to $20,196 for a male. In the Senate, there are no female assistants to leadership, the highest salary range ($18,000-$22,956) among professionals. On the other hand, women tend to dominate the powest salary slots: 62 percent of Senate research aides (salary range: $10,548 - $12,828) and nearly half the field representatives ($11,304 - $13,944) are women.

The legislative groundwork has been laid for equal representation of women in state government. The language of forms and applications is gradually being changed to read "his or her" instead of the traditional automatic use of male gender. But in the absence of a state affirmative-action program, the future of women in state government will depend upon a combination of a woman's own determination and the willingness of the male majority in the executive and legislative branches to share its authority with the female majority.

A final unknown concerns the judicial branch. By mid-August, Governor Brown had filled only a small percentage of nearly 70 judicial vacancies. Since there are 1,600 female attorneys in California, many women believe that the most critical test of Brown's commitment to equal representation of women will come when he decides how many of those to pick for judgeships.

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Legalizing street-walking --one step at a time

In May of this year the San Francisco Police Department's Special Services Bureau raided the headquarters of the Golden Gate Foundation, a lavish Victorian mansion that housed what its directors claimed was a sex-therapy institute. The vice squad thought otherwise. Police arrested seven women and one man under California Penal Code Statute 647b – the statute that makes any person "who solicits or who engages in any act of prostitution" guilty of a misdemeanor.

The case illustrates the awkward nature of California's prostitution laws. Since passage of AB 489 this spring, nearly all forms of private sexual conduct between consenting adults are legal – as long as they don't involve an exchange of money. Yet sexual therapy institutes, nude-encounter studios, massage parlors and explicit "personal" classified ads – all of which may sometimes serve as fronts for prostitution – are giving the oldest profession a de facto, *if not a* de jure, *legal status in many communities. And no one – from feminists to law-enforcement officials, attorneys and legislators – seems to be happy with the present situation.*

Prostitution is a large industry, but it's impossible to say how large. It has been conservatively estimated that the gross annual revenue of prostitutes in the United States is between $7 billion and $9 billion. In San Francisco, a prostitute averages $100 a night. Only 10 percent of all prostitutes depend on street trade; the street-walker is generally a Black or other minority woman who is in some way closed out of the more lucrative levels of prostitution. A prostitute may use drugs, but it is more likely that she turns to prostitution to support her habit, rather than becoming addicted while a prostitute. While a prostitute sometimes becomes involved in other criminal activity, such as extortion or robbery, chances are she herself will more often be a victim of such crimes. Because of her "outlaw" status, she cannot report crimes committed against her.

The state as pimp

Advocates of decriminalization would like to see all criminal sanctions against prostitution removed from the books. Those who favor legalization want the state to regulate and tax prostitution as it does businesses and professions. On the other hand, many law-enforcement officials want a tougher anti-prostitution policy in order to break what they see as a crime cycle involving pimps, prostitutes, customers and, eventually, the surrounding community.

A San Francisco-based prostitutes' organization called COYOTE has been fighting for decriminalization since its founding two years ago. Margo St. James, COYOTE's founder and "chairmadam", opposes legalization because, unlike decriminalization, it would give the state licensing and regulating power over what a woman does with her body. "In other words, the state would be the pimp," St. James said. COYOTE representatives insist that prostitution is a victimless crime — one in which the only injury, if any, is to the person commiting the activity — and that it logically follows that prostitution ought to be completely removed from government regulation.

Male prostitutes

Prostitution laws are also under fire for violating women's civil and constitutional rights. In a test case before Alameda County Superior Court in March, attorneys for the American Civil Liberties Union argued that criminal laws against prostitution discriminate against women and invade their privacy. Superior Court Judge Spurgeon Avakian handed down a landmark ruling, saying that male customers must be treated by police in the same manner as female prostitutes — they must be arrested, jailed, quarantined and treated for venereal disease. "The plain, unvarnished fact," Avakian wrote, "is that men and women engaged in proscribed sexual behavior are not treated equally." Local police responded to Avakian's order by using policewomen as decoys to solicit male passersby. In a second ruling Avakian said solicitation by a police officer is an inadequate method of arresting male suspects. The case is now before an appellate court.

Avakian's ruling pleased many feminists, but it ignored another side of the prostitution issue: male prostitutes. In San Francisco, male homosexuals comprise 25-40 percent of the total prostitution picture, authorities say, and arrests are proportional with those of female prostitutes. In Los Angeles, police regularly pick up male

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homosexual and heterosexual prostitutes.

"Prostitution sanctions are no longer the product of society's moral outrage," said Carol Ruth Silver, who two years ago established a San Francisco Bar Association subcommittee to study the subject. "Society has changed — the laws haven't." Another argument for decriminalization, Silver said, is the cost of enforcing current prostitution laws. According to COYOTE, the cost of arresting, trying and jailing one prostitute once in San Francisco ranges between $1,700 and $2,500, based on an average 30 to 60-day jail sentence.

Berkeley's reaction

The economic realities of enforcing prostitution laws have led at least one police department to rethink its priorities. In Berkeley, prostitution arrests are made only on complaints from citizens. In 1974, of 10 reported offenses, only seven arrests were made. It's not a matter of tolerating prostitution, explained Richard Berger of the Berkeley Police, but rather a decision of how to allocate time and manpower. "Prostitution arrests and convictions are lengthy and difficult," he said. "We have other crimes — robbery, rape, murder — which we feel require our resources more critically."

Bigger cities with larger police forces may take a harder line. According to San Francisco Deputy District Attorney Joe Russoniello, prostitution is not a non-victim crime. "The prostitutes themselves are the victims," Russoniello maintains. And he considers venereal disease to be a primary social cost of prostitution.

Russoniello also emphasized that related crimes, such as extortion and robbery, are rife wherever prostitution exists. In 1973, he said, the San Francisco Crime Commission found that 697 violent crimes were directly associated with prostitution.

A hard line

Commander Peter Hagan of the Los Angeles Police Department's Press Relations Division countered the argument that decriminalization will free police forces to devote their energies to more violent crimes. "If you've got a lax police department that wants to take it easy — go soft on prostitution, allow long hair on officers — then all crime will go up." The LAPD demonstrated its get-tough attitude in March, when it placed an advertisement in the Los Angeles *Free Press* for "sexy hostesses" to go on foreign gambling junkets. A number of women who answered the ad were invited to a hotel for "further screening" and were subsequently arrested for reportedly soliciting prostitution. Hagan said the decoy method had been used in response to complaints received from visiting Japanese businessmen who said they'd been robbed of their passports and money by pimps. Two of the women arrested as a result of the hostess ad brought a $1 million suit against the city, claiming their civil rights had been violated. Charges against them were dropped, but Hagan defends the police action as a necessary and effective tool against prostitution.

Licensed prostitution

The methods used by the LAPD in this case, and by other police departments, are in themselves illegal, attorneys and COYOTE representatives maintain. Police in San Francisco had the Golden Gate Foundation under "surveillance" for two months, during which time police officers took advantage of the establishment's massages, drinks and — said some of the arrested women — "therapy" as well. "The police did exactly what is proscribed by Penal Code Statutes 266 h and i," said Deborah Hinkle, a former ACLU attorney now working with defendants in the case. "They encouraged another person to solicit a woman for illicit sexual purposes. That's criminal pandering."

"The present system isn't a system at all," said Lieutenant Elwood Strelo, Oakland's division commander for vice control. He admits that police "have to participate in an illegal act" to make a prostitution arrest. "Everyone is anticipating an eventual change in the system, but in the meantime this leads to a morale problem. People get apathetic and don't want to complain or report violence."

One alternative to the present system is the licensing and regulating of prostitution by the state. Several European countries (and all but five counties in Nevada) permit licensed bordellos in which prostitutes are checked regularly for venereal diseases. In Nevada, prostitutes are usually kept under strict control by extensive regulations restricting their activities outside the brothels.

In California, Assemblyman Leroy Greene of Sacramento introduced legislation in 1971 that would have placed houses of prostitution under the supervision of the state Department of Public Health. The bill died in committee.

Some changes

Prostitution was among the non-victim crimes named in AB 642, introduced earlier this year by Assemblyman Ken Meade of Oakland. The bill would not have completely decriminalized prostitution, but it would have allowed arrested persons to use the affirmative defense that no one had been injured as a result of the activity. Some critics believed this to be a back-door approach to decriminalization.

But changes are taking place within the present system. For one thing, groups such as COYOTE are providing a social structure for prostitutes that was formerly provided, if at all, only by pimps. Since most law-enforcement officials see the pimp system as one of the most corrosive elements of prostitution, they may be more willing to tolerate a system of self-regulated prostitution activity. Dick Iglehart, legislative representative for the California district Attorneys Association, predicts a five-year delay for prostitution-law reform, but adds: "I think that local police forces will be able to work within a new system when the Legislature creates one."

The legislature may take that opportunity when it revises the penal code during the present session. Meanwhile, as the cost of police protection continues to rise, more police departments throughout the state may be following Berkeley's lead by making prostitution law enforcement a low-priority obligation. *NANCY FRIEDMAN*

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The impossible dream: reforming local government

Will it require fiscal collapse to force modernization of local government in California? There have been numerous attempts in recent years to reorganize local government, and the author of the following article was involved in the latest one. Lee J. Drake, former chief administrative officer of San Joaquin County and now a private consultant, served as chief of staff for the Modernization Project of the County Supervisors Association.

By L.J. DRAKE

Modernization of local government has become an academic keepsake periodically dusted off and reexamined to the accompaniment of loud noises and lengthy articles about its necessity. Yet, little has been done aside from study. [See "Unchanging local government," *CJ*, January 1975.]

In just the last five years alone, the subject has been looked into by a joint committee of the Legislature, a special task force appointed by former Governor Reagan, the League of California Cities, California Tomorrow, and the County Supervisors Association of California. And the concern has gone beyond the borders of this state, through the President's Advisory Council on Intergovernmental Relations. The Committee for Economic Development has prepared a series of documents on the subject, and the National Association of Regional Councils and the National Association of Counties have also become heavily involved. In the last ten years, more than 80 detailed and comprehensive reports have dealt with modernizing, reforming and restructuring local government.

And yet, the problems that local government deals with — poverty, crime, pollution, transportation, taxation and education — seem still to border on chaos. If the past is an indicator, far-reaching changes in local government will occur only with its operational and financial collapse.

Barriers to reform

Neither lack of local initiative nor scarcity of plans and designs explains why there has been no state-wide reform at the grass-roots. The reasons lie deeply rooted in complexity: in the massiveness of the modernization concept itself, in the diversity that characterizes California, in the historical interrelationships between levels of government, and in the roles and behavior of local officials. And, finally, there has been no really clear-and-present danger to compel change. There is, in short, neither sufficient motivation nor unity enough to institute a voluntary, thoughtfully conceived, statewide alternative to existing local-government institutions.

Ask the critics of local government — and there are many, including practitioners themselves — what "modernization" means to them and you get a variety of responses, many of them contradictory. Among the answers: rearranging priorities; reallocating services or finances; reducing the number of elected officials; increasing the number of elected officials; reducing the number of governmental units; increasing the number of units; moving the system into the 20th Century; returning to the sound constitutional principles of the past; implementing more regional government; eliminating regional government.

Some scholars insist that modernization is really only a matter of altering organizational structure or reallocating finances. Once that is done, these critics insist, the details will fall into place. Yet, when such simplistic action was applied in the past to such individual programs as welfare, Medi-Cal and mental health, confusion resulted. What might be the effects of such an approach to the entire local governmental system?

Dynamics of contrast

A contrasting view is that each element of that system must be analyzed separately. Now, the average county has over 30 separate department heads (many of whom are elected), provides 117 major services and functions (two-thirds of which are required by law), and rests its operation on an extremely complicated and fragile financial base. Consider the reaction if just one of these functions were taken to the people — say the elective status of the sheriff. That one issue would provoke months of contest and controversy before ending in deadlock. In short, the subject of local-governmental modernization goes far beyond any single issue and lacks a clear, generally accepted definition.

In the town of Brookings, South Dakota, the liquor store is owned by the city, and all bars must buy their liquor from the city's store. A major issue arose in Brookings when the city commissioners wanted to purchase a second cash register for its liquor store. The residents of Brookings debated the merits of the cash-register issue during the blizzards of '72, and the debate continued through the long, hot summer of '73.

Contrast the case of Brookings' cash register to that of California's Bay Area Rapid Transit district! But it isn't necessary to go out of state to find such staggering contrast in the scope and complexity of local-government problems. In California, contrast and diversity are the most significant obstructions to uniform modernization. How can a single mold be designed to fit it all? Is that why reformers tend to dismiss the dynamics of contrast?

Despite the diversities, however, Californians have

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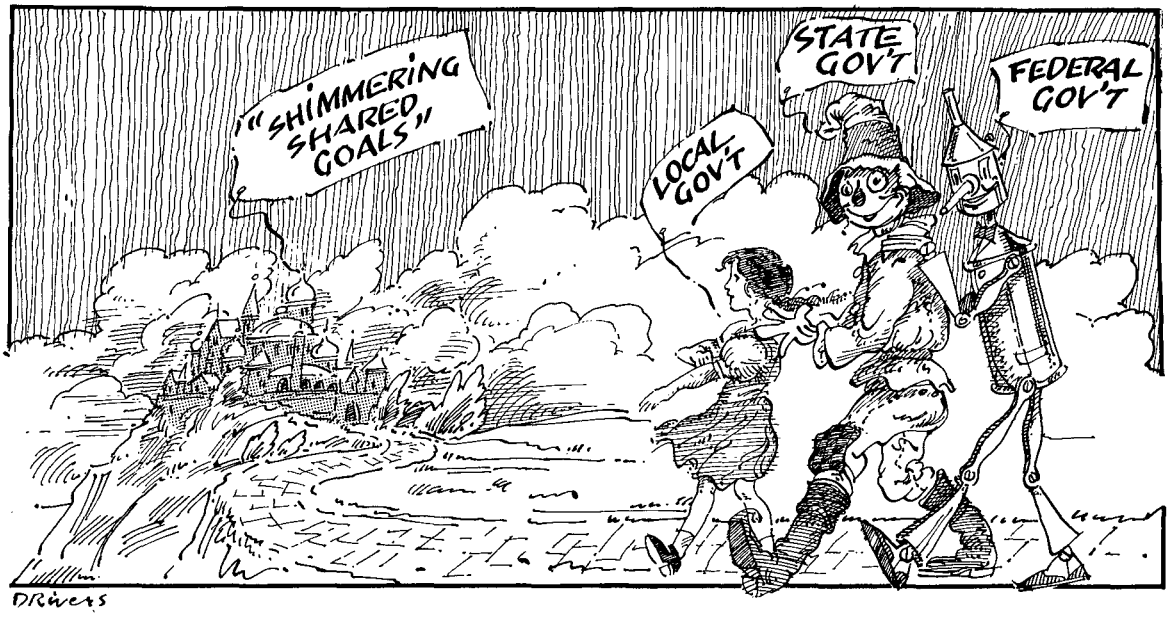

some definite and common feelings about local government. They consider their taxes to be too high. They view government as generally wasteful and confusing, and yet like it to be representative and accessible to them. Given the diversity of this state's population and geography, it isn't surprising that such contrasting beliefs translate into a hodge-podge of governmental units.

Yellow-brick road

Now, let's set upon the task of designing a system of local government, one that will be sleek and modern and, of course, uniform. And when we have this sleek, modern and uniform design of local government, let's cast it out to this magnificently contrasting giant of a people called Californians. They will tell us what to do with our sleek, modern and uniform system.

The interrelationship between local, state and federal government has been called a "partnership", a term that occasionally still finds its way into political rhetoric. This partnership, however, is more than a myth; it is an absurdity. [See "The decline of the urban county" *CJ*, October 1974.] The partnership notion suggests that local, state and federal leadership is skipping hand-in-hand down a yellow-brick road toward shimmering, shared goals. In fact, the interrelationship, such as it exists, is more the process of delegating authority carried out in its most impure and destructive form. The delegation process is among the most proven and tested principles, but it is only effective if the elements involved are equal in responsibility, accountability and authority.

In terms of the interrelationships in government, there is responsibility. Responsibilities delegated to California counties and cities from the state and federal levels constitute the actual work of local government. The laws and regulations flow from Washington, D.C., and Sacramento with increasing velocity. Accountability, too, is clearly there, since counties and cities depend on state and federal financing.

But authority? One of the first realities that hits the newly elected local policy-maker or the newly baptized local manager is that the tools simply do not match the job. The formulas for sharing available funds are arbitrary and irrational, and the time constraints on implementing the programs are unrealistic and self-defeating. This inequity generates confusion, waste and indifference. The cries and pleas from the local level are repeated to the point of annoyance; they are ignored to the point of insolvency.

Certainly, a modernized local system would correct such a basic impurity. But the ultimate decision rests in the hands of those in the federal and state capitals, not in the hands of those in the county buildings and city halls of California. But what would induce a state or federal politician to abandon a position that permits him to author laws, from a distant place, that have the advantage of being popular back home and someone else's responsibility to carry out? If there isn't enough money allocated to do it effectively, mightn't the public's scorn be vented and spent on those members of the boards of supervisors or city councils who might — just might — aspire to the very office that the lawmaker holds?

Where does all of this leave the grass-roots official — specifically, the more than 2,000 elected policy-makers found in all 58 counties and in 411 cities? In 1972-73, these policy-makers collectively were responsible and accountable for spending more than $8 billion dollars. State and federal government has given them responsibility for programs ranging from the abatement of the camelthorn weed to the reduction of poverty. Their individual constituencies range from more than a million persons to fewer than a hundred, and the lives of more than 20 million Californians are affected by their actions.

Local officials

There is probably no system more vulnerable to criticism than politics — and no creature more highly criticized than the local politician. Particularly in counties, he or she is a "political administrator" — "political" in having to run for office and "administrator" in having to manage massive programs decreed by other jurisdictions. (The local policy-makers' own law-making authority is virtually non-existent.) To display commitment, this official must cajole Washington bureaucrats into allocating funds for the projects his or her constituents believe they need. To show political courage, he or she must join in the local skirmishes. To demonstrate leadership, he or she must actively participate in a statewide organization — League of Cities or Supervisors Association — where one learns how difficult it is to achieve unity in a state characterized by diversity. Finally, to display statesmanship, the grass-roots policy-makers must become critics of the very system of which they are both a part and a prisoner. It is a system that has become so encrusted with tradition and constricting law that no one can understand it. And this public official joins the host of others who insist that "something

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be done" before the bewildering structure collapses.

This raises the question of how clear and present a danger is the prospect of collapse. One thing is certain: the public has become aware of (and in some instances alarmed over) problems:

- The problem of poverty and the failure of welfare to deal effectively with it.
- The problem of crime and the failure of our laws to reduce it.
- The problem of transportation and the failure of engineering to relieve it.
- The problem of pollution and the failure of technology to eliminate it.
- And the overriding problem of finance.

These problems have become progressively more serious. Some of the nation's best minds, and a significant share of the gross national product, have been devoted to seeking solutions. And yet, the problems are local. They surface locally, so the alarm is local. Shouldn't the solutions depend on local action?

An alternative

In the face of the scale and severity of the problems confronting local government and the constriction and confusion that constrains local response, the outlook is hardly reassuring. Collapse would appear, under such conditions. to be inevitable, but it is unlikely to be a clean conflagration leaving a neat pile of ashes from which some new creature will take wing. Rather, a sense of desperation and an obsession with uniformity will likely force a new system, or systems, that will be imposed throughout the entire state, whether or not any given locality is experiencing the problems. Thus, the principle of home rule will not only be illusory, but also will disappear from our vocabulary. The principle of delegation won't exist, even in its present impure form. Representative government will become only a memory. Regional government will no longer be either a promise or a threat, because the state will be one region. And we won't have to haul out the modernization "keepsake" for its periodic dusting off. But will poverty be gone? Will the streets be safe? Will transportation be safe and quick? Will the air and water be clean and clear?

Is there an alternative to the grim forecast of change out of collapse? With all the difficulties encountered by the County Supervisors Association modernization project, the final report, *Design for Decision*, did set forth a series of recommendations. These recommendations tended to get lost in the clamor over "regionalism", or overlooked because of disappointment that the project did not go far enough. Despite this, there was consensus enough to enable a new county platform to be built by the association's directors. The final report suggested that:

- The County Supervisors Association of California and League of California Cities form a joint council to project a stronger voice in the state legislative process.
- Counties and cities acknowledge a distinction between providing direct public services and solving area-wide problems, and recognize this distinction in local-government organization.
- California local government employ the "Joint Jurisdictional Problem Solving System" designed by the Modernization Commission as an alternative to externally imposed regional organizations.
- The Modernization Commission's "Special District Evaluation System" be utilized to test the value of existing special-purpose districts.
- The use of the "Unified Jurisdictional Service System" be officially accepted to reduce local government overhead.
- The voters decide whether county officials other than the district attorney and sheriff should be appointed by the board of supervisors or elected.

The most revealing part of the entire project, however, was the mixed reaction received from the association membership itself (which is grouped in six geographic regions). It authenticated the premise that California's diversity is so great and the subject of "modernization" so massive as to be virtually impossible to deal with on a statewide basis.

Most administrative officers were disappointed, having hoped for far-reaching, innovative and imaginative reform to relieve their frustration as public managers. The system we have now and the necessity of compromise are a difficult reality. But the administrators probably understand as well as anyone the impact that the state's social, geographic and economic diversity has on suggested changes.

The reaction of elected local officials had been anticipated. Their concern lies in the issue of which jobs should be elective and which appointive.

Crucial distinction

The distinction between providing direct public services and solving area-wide problems was either not understood or considered to be too threatening to contemplate. Yet, that distinction must be recognized because local government was (and still is) organized to provide direct services — not to solve problems that extend beyond jurisdictional boundaries. Recognition of this distinction led to the CSAC "Joint Jurisdictional Problem-Solving System". Still, most regionalists considered it to be a warmed-over joint-powers concept, and the strict constitutionalists viewed it as veiled regionalism.

But, like Pavlov's dog, local government has been conditioned to salivate on hearing the ring of the dollar falling from Washington, D.C. If that ring also echoed federal sincerity, local behavior might be modified sufficiently to induce state-wide change. This sincerity, however, must somehow be shaped into the federal personality. The prospect that the local scapegoat might one day be done away with could do the trick.

It's either that, or the Ping-Pong ball will continue to bounce back and forth until the players fall from exhaustion and the game ends in forfeit.

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The small cities' threat to the giant utilities

By Steve La Rue

Public power is coming of age for more than half of California's municipal electric utilities. Taking arms against a sea of troublesome power-rate increases, these publicly owned utilities are launching a fleet of power-generation enterprises ranging from geothermal steam ventures to coal-fired plants and public-private nuclear-power projects. For some, the ventures will mark a return to generating their own power after 50 years. For others, it will be the first time ever.

Sprinkled about the state, the 16 newly active municipals are small-to-medium-sized towns, among them Anaheim (population 200,000), Lompoc (26,300), Santa Clara (92,100), and Ukiah (10,095) that own their own distribution systems but do not generate the power they sell. In all, there are 31 publicly owned electric utilities in California. (By comparison, Kansas, Nebraska and Minnesota have more than a hundred each.) These include such generating giants as the Los Angeles Division of Water and Power, the nation's largest municipal, and the Sacramento Municipal Utilitiy District, the fifth largest. Glendale, Burbank and Pasadena have also generated their own electricity for years and are now expanding their capacity. The rest of the publicly owned utilities are irrigation districts, two of which are planning to supplement their hydroelectric capacity with nuclear power, and the state Department of Water Resources, which is doing the same.

A warning

The 16 public districts that buy power wholesale from the state's large, private, utility companies have, until recently, been able to offer competitive rates to their customers while generating millions of dollars of income for their city treasuries. But times have changed. The sudden fuel drought of late 1973 alerted these power retailers that what was happening to the independent gasoline companies could also happen to them. They, too, depend entirely on larger competitors for the energy they sell, and the quantum leap in crude-oil prices and the federally ordered curtailment of natural gas supplies to western power plants brought stunning rate hikes. These wholesale price boosts became effective for the cities months before comparable increases showed up on retail electricity bills in areas just beyond their borders served by private utilities. The rising fuel-cost spiral eroded the contributions to municipal budgets intended to offset the loss of taxes from private utilities and brought protesting crowds of taxpayers to city council chambers.

Public-power organization had begun to stir in Northern California with the banding together in 1968 of 11 publics and a rural electric cooperative as the Northern California Power Agency. Formed under the state's Joint Exercise of Powers Act, the agency includes Healdsburg (population 5,800), Ukiah, Lodi (30,000) Biggs (1,250), Alameda (74,500) Lompoc, Roseville (20,000), Redding (16,659), Gridley (3,354), Palo Alto (56,040), Santa Clara and the Plumas Sierra Rural Electric Cooperative. Five of the cities buy their entire bulk power requirements from Pacific Gas and Electric. The rest either rely entirely on lower-cost power from the federal dams of the Central Valley Project or supplement CVP allotments with PG&E purchases.

To the south, janaheim, Riverside (population 146,000) and Banning (13,550) had joined forces in the service area of Southern California Edison, along with Colton (20,650) and Azusa (25,850). They united to intervene against the well-staffed private companies in rate proceedings and to explore generation options — endeavors none of them could finance alone.

Opening options

In coordinated challenges to the privates' rate-setting and alleged anti-competitive practices, the small cities are winning a series of vuarantees giving them rights to enter the power-generation business for themselves. Their emancipation comes in the form of release from "all or nothing" bulk-power-supply contracts and an easing of power-transmission rights for the transfer of public power over the private utilities' all-embracing transmission grid. New state legislation opens to the smaller munis new sources of power-plant funding, and the federal government is looking more closely at private-utility practices that the public districts claim isolate them from alternate sources of power.

Many municipals have long wanted to become power-generating utilities; the rate-price squeeze lent that desire a special urgency. Private-utility filings for wholesale and retail rate increases have roughly tracked each other, but wholesale rates have accelerated faster because of a difference in jurisdiction.

Lagging rates

Retail increases are not allowed to become effective in privately served areas until finally approved by the California Public Utilities Commission after public hearings. But the Federal Power Commission, which had jurisdiction over wholesale rates, allows them to go into effect before hearings and a final decision, subject to possible refund. A 22 percent bulk-rate increase filed by Pacific Gas & Electric in September 1972, for example, become effective for Northern California munis six months before a comparable increase appeared on private retail bills there. The FPC used its discretionary authority to postpone the effective date of the wholesale price boost until April 1973. But the state commission didn't enact a parallel retail increase until half a year later. (The FPC demonstrated the discretionary nature of its authority in setting effective dates by delaying a subsequent 15 percent PG&E wholesale hike for only one

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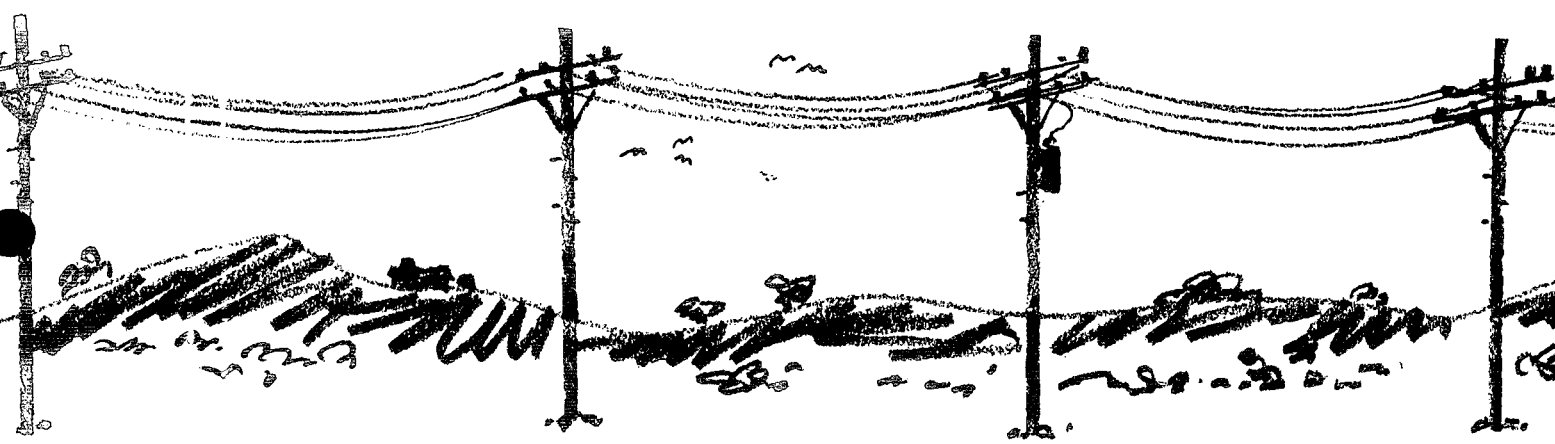

day, allowing it to become effective for northern municipals in August 1974. Hearings on a comparable retail increase opened in May 1975 after another lag.)

In good water years, more than half of PG&E's power comes from hydroelectric stations here and in the Pacific Northwest. Municipals purchasing wholesale power from fossil-fuel-intensive Edison were harder hit by the rate hike. There, wholesale increases of 150 percent were filed over a six-month period in 1973 and 1974. Subsequent court action amended the impact of the hikes somewhat, but not enough to keep Anaheim's rates from being raised 25 and 50 percent. By last May, Anaheim was paying $300,000 more per month for its wholesale power than it would pay Edison as a private retail commercial customer buying the same power. That is a 12 percent markup of wholesale rates over retail. Riverside and Banning were also caught in the pinch.

Fuel-cost adjustments — those monthly additions to both wholesale and retail bills reflecting the volatility of fuel costs 8 have also had a price-squeeze impact on the non-generating publics. The Northern California Power Agency (NCPA) and the Southern California munis, in separate rate interventions, have claimed that the price differentials have developed because of a gap between state and federal jurisdictions. In this void, no one exercises regulatory authority except the munis' competitors, the private utilities. Answering these complaints, the United States Court of Appeals ruled in April (*Conway Corp.* v. *FPC*) that the FPC could not claim lack of jurisdiction over wholesale-retail price squeezes and ignore their anti-competitive impact.

In another action, to be heard by the FPC in October, both NCPA and the FPC staff are arguing that fuel-cost adjustments should be made on the basis of the actual costs to the privates for fuel and not, as at present, on what they predict their added fuel costs will be. Both northern and southern municipal utilities also charge that there are substantial differences between what the private utilities pay for fuel and the price they charge the munis.

Generating problems

The Northern California Power Agency was founded to share the cost of power-generation projects, beginning with a geothermal steam enterprise in Sonoma County, At first, this goal was unattainable since state law prevented the agency's seven general-law cities from financing power-generation ventures with revenue bonds. The NCPA charter cities might have been able to participate in a geothermal project, if they could have tied down a steam-development contract ahead of PG&E. The NCPA has long claimed that the private utility moved in on geothermal areas to preclude public investment and then proceeded to develop the resource at a snail's pace. The utility's answer is that while its Sonoma County steam operation is now the world's largest, the resource must be fully proven before it is feasible to build a power plant there.

Even if NCP could develop a geothermal resource, how would it transfer this power to its member cities? The transmission lines are owned by denied the 11 cities that right, claiming that it lacked transmission capacity.

Tale of three cities

Anaheim, Riverside and Banning found themselves in a similar situation. All tied to all-or-nothing power-supply contracts with Edison, the three sought to participate in Edison generation projects and to obtain transmission rights to wheel their own power from remote plants. Anaheim, allowed to participation in a federal Bureau of Reclamation project in Arizona, asked Edison for rights to wheel this power to its customers. Edison refused to reconsider its contracts with the cities to allow them to participate in new generation programs, and it rejected Anaheim's request for transmission rights, pleading lack of capacity. So Anaheim was unable to use the excess federal power available to it.

In response, the three cities intervened in 1971 against Edison's federal license application to build two more units at its coastal San Onofre nuclear power station. The trio also opposed Edison's applications to renew its hydroelectric contracts and a request to build a third high-voltage transmission link with PG&E. In all of these actions, the cities contended that Edison was using its monopoly position to suppress public competition.

The NCPA also chose a legal attack on a broad front. In 1972, it intervened against PG&E's application before the Atomic Energy Commission for permits for its Mendocino nuclear power project. The 11 cities alleged that the utility had refused to allow them to participate in the project and that granting the permits would only bolster the private company's policy of erecting barriers to public competition. These barriers, NCPA charged, included insistence on long-term wholesale contracts, denial of membership in power pools, rejection of transmission rights, and contractural foreclosure of access to alternate power sources. The Atomic Energy Commission's staff agreed with this position. That same year, the U.S. Justice Department asked the AEC to hold up approval of new PG&E nuclear projects until the company agreed to drop its stranglehold on the muni systems.

Still another legal offensive was filed by the NCPA and the three Southern California municipal utilities against the Seven Party Agreement, an exclusive, private-utility fraternity with access to Northwest hydroelectric power over the Pacific Northwest — Southwest Inter-tie, a high-voltage link between the northwestern states and California. On several occasions, this link has prevented outages from triggering regional blackouts, and Los Angeles, Burbank, Glendale and Pasadena have been able to avail themselves of the in-

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expensive excess hydro power for which the inter-tie provides a California market. The small publics have not.

The agreement's California members, PG&E, Edison and San Diego Gas and Electric also comprise the equally exclusive California Power Pool. This pool enables each member to construct less backup capacity by relying on the others for reserve power. The non-generating munis have sued for entry into the pool.

Antitrust angle

The 16 cities won an important skirmish in a precedent-setting court action in Minnesota. In 1969, the Justice Department filed suit against the Otter Tail Power Company after that private utility had refused to wheel power to municipals from remote, public-generating sources. In February 1973, the U.S. Supreme Court upheld a lower-court ruling that private utilities are subject to the Sherman Antitrust Act and thereby prohibited from refusing to transmit public power. Investor-owned utilities, the court added, may not enter into contracts or lengthy lawsuits to delay establishment of new public systems or deny them access to transmission facilities. Otter Tail, with the support of PG&E and others, had argued that private utilities should not be subject to federal antitrust law because they are already regulated by state and federal commissions and would lose part of their market areas if the publics were granted access to their transmission grids.

The NCPA's antitrust accusations against PG&E gained further support in June 1973, when the Justice Department opened an investigation into possible utility antitrust violations. PG&E's contracts with an array of public and private power entities — contracts, NCPA charges, that foreclosed the agency's entry into power generation — are now under federal scrutiny. So are the company's wheeling arrangements and geothermal development policy. There is a likelihood, too, that the Justice Department will file against PG&E a suit similar to that against Minnesota's Otter Tail.

As a result of proceedings initiated by Anaheim, Riverside and Banning, all charging Edison with anti-competitive practices, the three cities were granted discovery rights to Edison files. Then, Edison and Anaheim negotiated an agreement cracking open the all-or-nothing contracts. Still being hammered out is an "integrated operations agreement" providing public wheeling rights, power-reserve sharing and options for participating in construction of San Onofre expansion.

The progress of NCPA has been slower. Wheeling negotiations with PG&E opened in February 1974 in the wake of the Otter Tail decision. The private utility has agreed to transmit NCPA power to the agency's member cities, asked for rights to buy excess agency output and also agreed to provide power reserves. Still at issue is whether or not the 11 cities will be able to negotiate wheeling costs low enough to assure that generation will be worthwhile.

Access to generation opened wider for the publics in September 1974, with enactment of legislation allowing general-law cities to finance power-production endeavors with revenue bonds. The law doesn't make it any easier for cities without electrical systems to acquire them from private utilities, but it does transform NCPA's dreams of generation projects into attainable goals. It also allows cities like Azusa, Banning and Colton to join forces with charter publics or privates in joint projects.

For the cities that already own electric systems, a number of possibilities open. By May, all but two NCPA cities had agreed to share in a $5.5 million power-development fund. This money is intended to get the agency to the construction-permit stage, at which point it will sell bonds to finance the actual construction and to reimburse the cities. Two 11,000 kilowatt geothermal units at the Geysers in Sonoma County head up the agency's priorities, along with 2 percent participation in massive San Joaquin Nuclear Power Project of the Los Angeles Division of Water and Power and a 20 percent cut of Unit II of the Sacramento Municipal Utility District's Rancho Seco nuclear project. Other participants in the San Joaquin project include PG&E, Southern California Edison, the state Department of Water Resources, Anaheim, Riverside, Glendale and Pasadena.

The entire NCPA development package will cost some $300 million. With all of it on line, agency planners say that the 11 cities will be independent of PG&E by 1988 and will then be paying 40 percent less for wholesale power than they predice PG&E will then be charging.

Voter approval

The agency could issue its bonds either as a joint exercise of powers or through a separately formed non-profit corporation. With the first option, voters in each of the cities would have to approve the bond sale in separate elections. Under a non-profit corporation, an election in any of the cities could be initiated through referendum. By the time the projects arrive at the construction-permit juncture, elections may also be required for non-profit corporate funding. In either case, power generation by these 11 Northern California municipals will have to be approved, either actively or passively, by their electorates.

In Anaheim, voters passed a $150 million revenue-bond issue in May for generation projects. The money will go for direct investment in the San Joaquin project and at San Onofre. The city is also considering buying into two joint public-private coal-fired plants in Utah as well as investing in a long-term purchase contract with the all-public, 3-million-Kilowatt Intermountain Power Project, another Utah coal operation. Once all of these projects are in operation, Anaheim forecasts a 25 percent customer savings in power bills by about 1985. Riverside expects to join in all five. For the time being, Azusa remains on the sidelines of the public power derby, but Colton is contemplating a joint transmission line with Riverside to connect the two cities and allow the smaller to buy power from the larger instead of from Edison. Banning was also offered participation in the San Onofre extension and is now investigating a joint-powers agreement for generation.

All 16 municipally owned utilities have been active to some degree in the campaign for recognition as full-fledged utilities. So far, they appear to be winning it.

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Urban homesteading: how many 'pioneers'?

By GARY L. QUEALE

The Legislature's First Extraordinary Session, which adjourned June 27th, yielded an ambitious program for providing housing for thousands of low- and middle-income Californians. AB-1x authorizes up to $950 million in low-interest state loans for housing development and rehabilitation for 10,000 or more of the state's citizens, though something like $100 million is all that is immediately available [see "The short-changed housing bill," C, August 1975]. The need is there, and AB-1x will help meet it. But another bill of the special session – less noticed than AB 1x – may provide the impetus for a pioneer effort in California, urban homesteading.

The scene, a slum in a metropolitan city, could be repeated in any area of substandard housing across the country — from Watts to Harlem, from San Francisco's Fillmore to Boston's Roxbury, or in Alkali Flat or Oak Park, lying almost in the shadow of California's Capitol. Trash litters the street, empty wine bottles, here and there, still clothed in their traditional paper bags. Dogs roam aimlessly. A man grubs about a garbage can for scraps of food. You can almost see the paint peeling inside the ancient structures.

But one thing stands out in its incongruity: The freshly painted door and its shining brass hardware set off by a planter filled with marigolds. It is Annie Mae Barksdale's house, a bright spot of hope in the gloomy surroundings that otherwise ooze a feeling of depression and despair.

The Barksdale house is a landmark for more reasons than its appearance. Unlike many of the other structures that line the street, it is on the city property tax rolls and meets all the requirements of local building codes. It does, because Annie Mae Barksdale is a homesteader, the first person in the city to rehabilitate and inhabit a deserted inner-city house under an urban homesteading plan.

Urban homesteading — or "sweat equity" — is the subject of Senate Bill 4x, which adopts a concept that built much of the country through the homesteading acts of the last century. Homesteading worked, say those who have studied it, because it offered an incentive to those willing to make the effort and the commitment to settle on the new nation's open land. Now the same approach is to be used to resettle the "frontier" of the inner city and, at the same time, breathe new life into America's historic urban core.

The shift to urban homesteading is a natural one. Because of defaults in mortgage payments and taxes, city governments and federal housing authorities own large numbers of abandoned houses. Officials of the U.S. Department of Housing and Urban Development estimate that it alone owns or holds mortgages on 200,000 such dwellings. And 200,000-300,000 additional housing units are being abandoned annually.

The modern homesteader is offered a vacant, foreclosed house — free or at a price substantially below market value — by the city government on condition that the homesteader bring the residence up to municipal building-code standards and live in it for a specified number of years. Even with the necessary repairs, which studies show to be extensive and thus costly, it is envisioned that the refurbished houses will still be much less expensive than comparable residential units on the market. The attraction for municipalities in such a program is that these dilapidated, abandoned houses eventually return to tax rolls. Theoretically, neighborhoods currently beset by economic *dis*investment, abandonment, blight and social instability will be revitalized and stabilized.

As with the original homesteading, the urban program offers risk as well as challenge. Instead of being offered virgin land in a region of substantial promise, the modern homesteader assumes worn-out and often vandalized housing in unattractive surroundings, with

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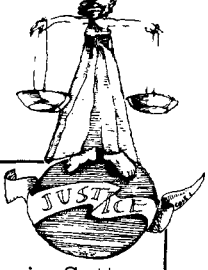

SIGNIFICANT COURT ACTIONS

Caution to the winds

For 300 years, jurors under Anglo-Saxon law have been instructed by trial judges in rape cases that charges of sexual assault are easily made and difficult to disprove and that the testimony of the female should, therefore, be examined with caution. That instruction, which has made it difficult to win rape convictions, has been a legislative target of women's organizations in California for several years.

Without waiting for the Legislature to act, however, Superior Court Judge Armand Arabian of Los Angeles refused to deliver this mandatory instruction because he considered it demeaning to the victim in *People* v. *Rincon-Pineda*. The state Supreme Court ruled that Arabian acted erroneously because the instruction was mandatory, but upheld the conviction because the error was harmless in light of the entire record. But the court then threw out the precautionary ruling for all future rape cases and other sexual offenses. The unanimous opinion was written by Chief Justice Donald R. Wright.

The court noted that the instruction was originated in the 17th Century by Sir Matthew Hale, lord chief justice of the Court of King's Bench, at a time when defendants did not have the present right of counsel, compulsory attendance of defense witnesses and presumption of innocence. Wright wrote that the mandatory use of the cautionary instruction in sexual assault cases had out-lived its usefulness and was no longer justified in light of modern circumstances.

In a 5-2 decision, the court ruled that, prior to incarceration, police may not conduct full-body searches of individuals arrested for public drunkenness. Pat-down searches for weapons are authorized, however.

In *People* v. *Longwill*, Justice Stanley Mosk pointed out that, in some cases, a person arrested for public intoxication may be given a citation and released without jailing. Randolph Longwill was arrested for intoxication in Sutter County. Following arrest, a police officer conducted a pat-down search for weapons, turning up nothing. He then initiated a full-body search, finding one marijuana cigarette, a hashish pipe and a package of cigarette paper in a shirt pocket. Longwill appealed a conviction for possession of marijuana and narcotics paraphernalia.

Mosk said the full-body search is permissible only before actual incarceration to prevent entry of contraband into a jail or civil detoxification center. He was joined by Chief Justice Wright and Justices Mathew Tobriner, Raymond Sullivan and retired Justice Louis Burke (sitting on assignment). A dissenting opinion was filed by Justices William P. Clark Jr. and Marshall McComb, who urged the court to follow a rule recently adopted by the United states Supreme Court allowing complete searches upon arrest, regardless of the offense and regardless of whether the person is to be incarcerated.

the prospect of spending from $5,000 to $15,000 to make it habitable. Where the frontiersman of the 1800s fought off the hostile original settlers, the Indian tribes, the urban homesteader must contend with teen-age gangs, wandering winos and a high rate of crime. The 19th-century homesteader could cut trees or sod for his home, while today's must cut the spiraling costs of lumber and other supplies, not to mention hacking through the red tape-infested jungle of municipal building codes.

Will urban homesteading work in California? Judging from the amount of activity in this area in the past few years, many legislators and planners seem to think so. First came the Marks-Foran Residential Rehabilitation Act of 1973. In 1974, Governor Reagan signed legislation allowing California cities to sell residential property at less than market value to persons of low and moderate income, who then must inhabit or rehabilitate the property (though no city has yet chosen to implement such a "sweat-equity" program).

California's housing needs

- More than 700,000 housing units need rehabilitation.
- Another 300,000 are beyond repair.
- At least 200,000 new units are needed annually.
- More than one million Californians cannot afford the housing they need.
- More than 500,000 households are overcrowded.

Source: Department of Housing and Community Development, *Statewide Housing Element, Phase III.*

A comprehensive study by the Senate Committee on Governmental Organization analyzed urban homesteading in major Eastern cities, federal activity in the area and California's response to it, and noted that "urban homesteading, carefully designed, can serve as an effective remedy for some of the inner city's ills, and should be looked upon as a means to revitalize neighborhoods." But positive results are not assured, the study added. "Urban homesteading is doomed to failure if it is viewed merely as a convenient means of transferring the unpleasant burden of slum structures from governmental agencies to unwitting homesteaders." Accordingly, SB-4x would authorize the California Housing Finance Agency created by AB-1x to conduct a program to insure loans made by the agency or by mortgage lenders, putting $5 million in state money to back home-rehabilitation loans in urban areas where the risk of default has deterred banks and mortgage companies from approving loans (the practice known as "red-lining"). The bill creates a Housing Rehabilitation Insurance Fund, which would be continuously appropriated to the agency to insure loans and bonds and to defray administrative costs. The original $5 million must be paid back to the state General Fund by January 1, 1986.

The $5 million guarantee fund from the state will make available $90-$100 million in private loan money for home rehabilitation, estimated the bill's author, Senator Arlen Gregorio. It is hoped that this amount will spur cities to set up urban homesteading programs, and if that happens it may be that Annie Mae Barksdale will epitomize a new breed of American: the urban pioneer.

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EDP SAGA

The state's computers, together at last

By BRUCE KEPPEL

As you walk into the room on the second floor of the Department of Motor Vehicles, your eye is struck by three colors: red, white and blue. The room is filled with IBM electronic equipment, and the red and blue disk drives and other gear punctuate the whiteness of the low-slung ceiling and floor. Moving through the thickets of equipment, tapes whirring softly, you come to two consoles in gray with signs above them indicating that they are IBM 370/168 computers. They form the nerve center of the Stephen P. Teale Consolidated Data center.

Looking at the twin IBM computers, which the state is buying over five years, it is hard to appreciate their broad capability for resolving governmental data-processing needs – not to mention their capacity to stir controversy. although the controversy over procuring the main computers seems past, the episode casts a shadow over the state's program to consolidate electronic data-processing equipment in several large centers.

[The Journal*'s coverage of the state's evolving computer program can be found in "State EDP snarled," August 1970, and "State's computer plan raises privacy issue" and "Once EDP is consolidated, then what?", July 1973.]*

The Department of Motor Vehicle's announcement last month that it will begin year-round vehicle registration next year ended a controversial chapter in the state's efforts to consolidate its electronic data-processing equipment in the name of economy and efficiency. The fact that DMV can now program its computer to handle the changed workload entailed in registering vehicles throughout the year instead of only once (by February) signalled resolution of a problem going back several years and involving creation of a consolidated data center to handle the EDP needs of some 34 state "customers". The Department of Motor Vehicles was to have been one of these, and had the consolidation program begun operation smoothly several years ago as planned, year-round vehicle registration would now be a reality.

But a hitch developed in the procurement of the computers to handle the workload of the EDP facility, baptized the Stephen P. Teale Consolidated Data Center. The hitch was that the computer specialists in the Reagan administration, experienced in IBM equipment, seemed to assume that only the biggest IBM computer could handle California's complex and varied EDP needs. The Department of Finance, which coordinates and controls state EDP policy, wanted to go ahead and award a contract to IBM for the "mainframe" or console elements of the computer center. State law, however, requires competitive bidding, and for months the state and various potential bidders hassled over whether the bidding proposal was skewed in favor of IBM equipment, which was already in place in a number of state agencies. Finally, IBM got the contract — only to fail to complete conversion of DMV's equipment within the six-month time limit specified in the $19.9 million contract it received in December 1973. As a result, when last year's budget was enacted, funds destined for IBM were cut off and the state broke the contract (which is still under negotiation with a possible lawsuit in the offing).

Center loses a customer

Meanwhile, DMV was given the green light to come up with a temporary solution permitting year-round registration. To do so, it pulled out of the Teale center and upgraded its Univac equipment, which resides in an adjoining room on the department's second floor. The Teale center, for its part, contracted to buy the two big IBM computers it had been leasing, and the Legislature released funds to complete phasing the center into operation. Today, consolidation is complete, according to Teale's director, Ira B. Isbell, who has specialized in computers in a state career going back 25 years.

The result is that DMV has three years to come up with a definitive solution to its computing needs. Meanwhile, the adjacent Teale center gained computing capacity since DMV is not using its equipment. It may be, suggested Isbell, looking through the window separating the two computing facilities, that DMV will opt to remove the wall and reenter the consolidated center. "We have the most up-to-date, modern data center around," Isbell said. The equipment can spit out answers in three to four seconds, and offers complete computing facilities to all its clients — some of whom have not had computer use before. (It printed out last year's election results in record time, Isbell boasts.)

The loss of DMV cost the center about $4 million in revenue, Isbell estimated. Teale is financed by its customers, its computers doing the billing and the departmental customers paying for services rendered. "We're much like a business," Isbell said, "except that we don't turn a profit." To him, surveying the banks of disk

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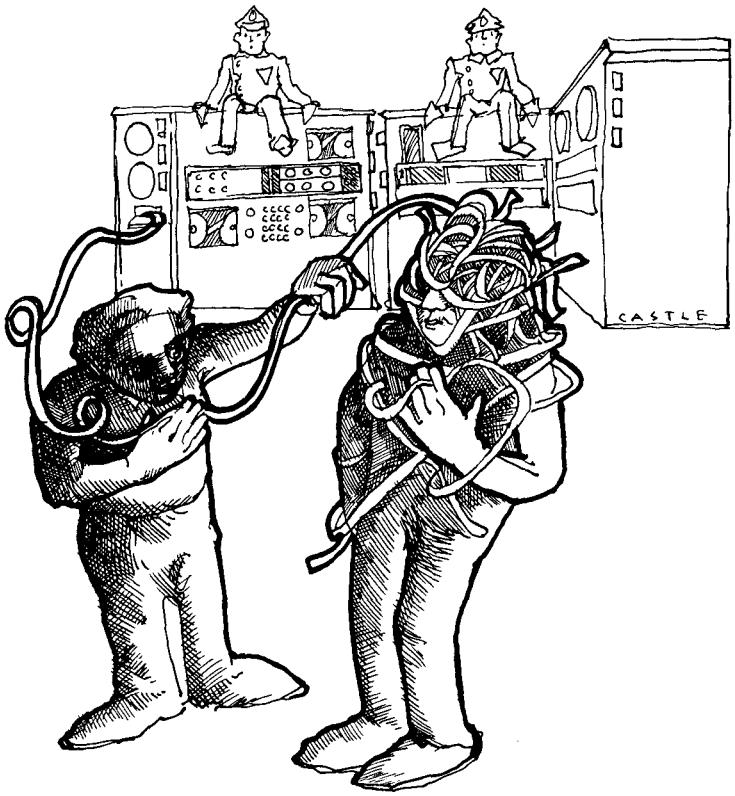

drives, consolidation is not only a fact, at last, but a success. Even the departments that formerly had their own computers and lost them to join Teale seem to be accepting the consolidation concept.

'Computer' spoken here

Whether consolidation is saving the state money is anyone's guess, however. California is spending about $10.5 million a year on the center, but because of the delays in procuring and installing equipment, and the ever-changing technology (not to mention the "starved" computer needs of a number of departments that had been frozen into obsolete systems pending Teale's coming on line), it is impossible to establish a cost comparison, according to William Behnk and Robert Del Agostino, EDP experts for the legislative analyst. Isbell concurs. But there seems little doubt that the almost round-the-clock operation of the center and its accessibility to so many agencies must render some economies of scale and efficiency. At the very least, only one computer language is spoken.

While IBM finally nailed down the big and controversial computer sale, its success in that field cost it contracts for smaller computers in 11 departments now linked to Teale that formerly had their own systems (including the state printshop, the Highway Patrol, the secretary of state and the Department of Transportation). And Isbell plans to maintain EDP competition in procuring additional equipment for the center — in such peripheral gear as the disk drives, which can be provided by many more vendors than is possible with computers the size of the IBM consoles now being acquired. State law and the 1975 budget state very explicitly that competition in this field is to be encouraged.

The IBM-DMV-Teale controversy has had a chilling effect on consolidation plans. Under the legislation that created the new center, named after former Senator Teale who carried the bill in 1972, four consolidated facilities were authorized, including the Teale center. The other three:

- **Law Enforcement Data Center.** This facility is now operational within a Department of Justice building across town from the Capitol. It links all law enforcement agencies in the state with one another and with federal record systems as well.
- **Revenue Data Center.** The plan to link the needs of the Franchise Tax Board and the Board of Equalization seems to be in cold storage today, since Franchise upgraded its equipment in January and the Board of Equalization is seeking permission to do the same.
- **Health and Welfare Data Center.** All work on this center was halted pending the outcome of the Teale center. Now Health and Welfare Secretary Mario Obledo has launched a feasibility study and has an aide, Xavier Mena, conducting it.

Question of confidentiality

The efficiency of holding the files of 34 state customers in one convenient center is not without its frightening aspects. And they are far from theoretical. The Reagan administration sought to enhance the state's ability to detect welfare fraud by cross-checking information from several agencies. While that goal may be appropriate, the means were deemed by the Legislature to be potentially dangerous. It is now illegal to interlock different data banks — in short, to use information gathered for one purpose (say, to calculate income tax) to accomplish another (say, to determine welfare eligibility).

A comprehensive act aimed at safeguarding individual privacy — a constitutional right in California — has so far eluded the lawmakers. Former Assemblyman William Bagley made a major effort during the IBM-Teale controversy, but the push fell short of success. This year, however, there are three bills before the Legislature to accomplish substantially the same aims. (They are SB 852, Moscone; AB 150, Cullen; and SB 44, Roberti.) There seems to be no great push toward enactment.

In the meantime, the Legislature has managed to make its intent clear — that the individual shall be protected. For example, the Government Code states:

> . . . [S]*uch goals as one-time collection of data, minimum duplication of records, and maximum availability of information at lowest overall cost will not jeopardize or compromise the confidentiality of information as provided by statute or the protection of the right of individual privacy as established by law.*

Secure premises

An additional security problem exists — limiting access to the data banks. An elaborate system of electronic locks, security badges and television monitors was installed at DMV. The result is what Isbell considers a secure system.

A visitor to the Teale Data Center finds access tightly controlled at a number of points. Television monitors cover all means of access, and a guard must actuate the locks to provide entry. Once on the floor of the center, a certain serenity sets in. There are very few people running the mammoth facility (which they personalize to the extent of referring to the IBM consoles as "him").

Only one thing is missing, Isbell sighs: Stephen P. Teale. The retired lawmaker has never visited his namesake. "I get a lot of mail for him," Isbell said. "People think he runs the place."

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Curbing creeping urbanism in the gem of the Sierra

By TOM HARRIS

Yosemite National Park is in danger. Not so much from the trampling feet of armies of tourists and the profit-hungry concessionaire conglomerates that cater to them, though both are valid enough concerns now. The real danger is that the park and its future might be *studied* to death. The National Park Service is concluding the first phase of its second major Yosemite study. In addition to that master-plan project, studies into the park are under way or just ended at Stanford and Columbia universities, the Stanford Research Institute, the Sierra Club, and by two House subcommittees, and the United States General Accounting Office.

Never in its long and colorful history have so many been so concerned about what Yosemite will look like tomorrow. Not that the original architectural job was tacky to begin with. The vain struggles of mere mortals, however noble, will not compare well to the breath-taking designs of nature. But the job of keeping this incomparable gemstone of the High Sierra from bringing on its own demise is getting more complicated and demanding.

The place's magnetism is its own worst enemy. Each year more than two million visitors arrive in swarms like bees to peach blossoms. And, when most of them crowd into the small valley pinched between the towering granitic shoulders of El Capitan and Half Dome, they leave their mark. The hordes bring their urban excesses with them: an almost suicidal attachment to the automobile and the endless ribbons and plazas of asphalt that it spawns, not to mention other trappings of the city — neon lights, beauty shops, banks, novelty stores and supermarkets. Somehow, as the traffic gets heavier, the master planners must find ways to hide what has happened already and protect against repitition. To do that, they must strike a balance between park-user and environmentalist; concessionaire and preservationist. One wants to use; the other protect. One to exploit, the other to turn back the hands of time and restore the valley to a particular pristine state. Such a juggling of competing demands may not be possible to carry off.

Crashing failure

The master planning team has already tried once. The crash was resounding.

The first plan generated a political storm that has not abated, despite the unprecendented rejection last year by the National Park Service (NPS) of its own voluminous plan in the face of protests over excessive secrecy and concessionaire influence. But the NPS is at it again. Only this time the agency has reversed extremes and may instead suffer terminal effects from over-exposure. The NPS has already conducted 34 public workshops in California.

The planning team has also taken its show on the road, playing to 14 other major cities in the nation, including New York, Washington, Dallas-Fort Worth, Seattle, Denver, Chicago and Atlanta. The unique road show caters to the obvious point that Yosemite is a national heritage, not a provincial playground. So the tourists, too, will have a chance to say what they want the Yosemite of tomorrow to be like. It remains to be seen whether the new wide-open planning will overcome the several obstacles that compromised the abortive initial effort.

Planning obstacles

One obstacle was a traditional arrangement between the NPS and its concessionaires to team up on major planning efforts. It was customary for the park service to share this role in determining future policies and uses with those who would profit directly from the decisions. The only surprising thing about last year's caustic confrontation with conservationists over this conflict of interest was that it was so long in coming. It was not entirely coincidental that private pressure in these joint planning efforts reached a climax just after the historic Yosemite Park and Curry Company concessionaire interest was acquired by the aggressive Hollywood-based conglomerate, Music Corporation of America (MCA).

Park-service insiders at Yosemite say the profit pressure has increased significantly since MCA came on the scene. (One aide went so far as to describe MCA planners as "sharks".)

The edict from on high in the Interior Department to scrap the first plan appears to have solved the private planning problems. But there is one other serious threat over all major National Parks, Yosemite and Yellowstone among them; and that is the issue of "big business" moving aggressively into concessionaire fields. As reported first in the *San Francisco Examiner*, a secret federal government study details the corporate incursion into national parks and concedes that there is little

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The author, who writes on environmental matters for the San Jose Mercury, *has written on "no-growth" and water needs for the* Journal.

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being done to safeguard the public interest in these priceless legacies. An Interior Department task force found that the political muscle of the conglomerates brushed aside any local opposition and took the decisions to the politically charged atmosphere of Washington where park-service decisions, it says, are frequently "uninformed, if not wrong." And an extensive audit by the United States General Accounting Office concluded that "rates charged by MCA for lodging are higher than those of facilities outside the park [Yosemite]." That is in direct violation of an NPS policy that such charges shall be in line with rates at similar end-of-trip lodgings. The GAO found that the NPS "does an inadequate job in determining the reasonableness of rates. . . ."

Public interest

Such findings are no guarantee that the excesses and abuses of the past will not be repeated. But it has opened up, as never before, the full question of public interest and active participation in policy planning.

What impact is all this likely to have on the appearance of Yosemite in the decades ahead? Plenty, if the contributions made at the workshop sessions have the impact the park service has promised. The service has been told repeatedly that there should be:

- No major convention centers in the park.
- No aerial tramways across the valley to Glacier Point)most recently a park-service concept, not MCA's).
- No increase in the density of tourist lodgings and no scrapping of low-cost tent cabins in favor of expensive motel units.
- No expansion of Badger Pass ski facilities and no conversion of Tuolumne Meadows into a major ski resort. (A major downhill ski resort was never proposed for Tuolumne, where the terrain does not lend itself to that sport, but MCA has proposed winterizing the existing rustic summer shelter for use by cross-country skiers, snow-shoers and as a base for new winter rangers.)

The contributions haven't been all negative. For example, most of the workshop participants, according to NPS, want:

- More free shuttle buses and less car access.
- More emphasis on interpretive nature work by park rangers.
- Such support facilities as employee lodging, administrative offices and maintenance areas moved outside the park.
- More, and more effective, mass transit available to the park from major urban centers.

Conservationists' consensus

The most overwhelming consensus of the policy solicitation effort, so far, is the demand for an end to further development in the park. Such organizations as the Sierra Club, Friends of the Earth, and the Natural Resources Defense Council have supported the idea of "*de*-development" — phasing out some existing facilities — and placing much of the park in wilderness status. The council has pushed for adoption of carrying capacities for the park (number of users in the park at any one time), explaining that ". . . since the public's excessive use has substantially altered certain areas within the park, some sort of restoration will be necessary. Rationing must be undertaken, through reservations and a lottery system, if necessary." The council, with support from other quarters in and out of the Sierra Club, has also pushed for abandonment of the popular High Sierra camps that serve as way stations for beginning back-packers and city folk not ready for the complete encounter with nature. conceding that "it is too much to expect that the Yosemite back-country will ever again be a place for solitude," the council concluded: "Yosemite is a unique resource, not a training ground."

Training ground or no, Yosemite is destined to remain on the "most wanted" list of most campers.

Deadline: 1976

The master plan team is now reducing the massive workshop record into a set of development and management alternatives, on which there will be yet another round of public hearings. That, in turn, will lead to development of the master plan and its environmental impact statement. Another round of public review, comment and analysis will then pave the way toward a final plan and impact report.

That last blueprint for "Yosemite Tomorrow" is scheduled for completion by October 1976. However perfect or imperfect the document may prove to be, it will not have been formulated behind closed doors. The nature of Yosemite deserves that much, at least.

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Bears and tourists — the pain of withdrawal

In the past, the term "bear management" has been a euphemism for the wanton slaughter of bears in national parks. The label is being used again by the National Park Service at Yosemite, but this time there appears to be a commitment to "managing" and not just killing. That is not to say that some overzealous bruins will not be dispatched. At least six California black bears will likely have to be killed this camping season.

There is bound to be opposition from animal lovers, but the new approach is a vast improvement over the record run up between 1970 and 1973, when the park service admitted slaughtering at least 230 bears. Carcasses were dumped over a cliff to avoid public scrutiny, and when the remains were found it touched off a national furor that prompted major changes in "bear management".

Killing practice

The killing was not borne of a desire to make Yosemite bear-free, but of a concern for keeping an exploding bear population from overrunning tourists. The new approach cuts to the heart of the problem — getting spoiled bears back to something closer to a state of nature and natural habits. Like the human society around them, the Yosemite bears have become hooked on junk food — mainly human garbage, a diet that has triggered a whole sequence of related problems. The unnatural food supplement prompted unusual growth, in both size and numbers. The average Yosemite sow weighs 220 pounds, nearly double that of its non-park cousins, and plentiful food brought bears bounding into the valley from all directions, raising the normal population from about 4 to 32. Worst of all, garbage has brought bears closer to people and taught them to overcome their natural fear of humans and to associate them with an easy meal.

Three years ago, the service shut down its open garbage pit in the park and began trucking waste to a distant cut-and-fill dump. That only brought the agitated bruins closer to town, rummaging through garbage cans and dump bins behind stores, homes and campgrounds. Now, those sources have been bear-proofed, too, so people can put trash in but bears can't get it out.

In short, this is "cold-turkey time" for Yosemite bears, forced to break an easy-living habit and return to nature. Park-service experts are not altogether sure it will be a peaceful conversion, however necessary. "We are going to have some mighty, mighty mad bears around here for a while," says Assistant Superintendent Jim Wolfe.

New regulations

Since the dumps were closed, bears have grown bolder in their scavenging. In 1973, bear-caused damage was up sharply, with 268 cases causing $24,000 in property damage and 15 non-serious maulings. Last year there were 600 incidents, $78,000 in damage and 28 maulings (again, none serious). The count is going even higher this year, approaching $100,000 in property damage. Rangers are hoping that that will be the worst of their problems.

The junk-food cut-off has brought strict new regulations for campers, requiring them to keep food locked in car trunks or outside cupboards, or hung from an overhead cache on cables strung up by rangers. Violators will be fined and strongly reprimanded.

Why the sudden crack-down? "Bears don't understand the meaning of 'phase-in'" explained one bear specialist. "If we spaced it over three years we would just have three more cub crops brought up on garbage and that many more problems to deal with. This is the best way."

The park service isn't just standing by, hoping that the bears will simply return to their former stomping grounds. An extensive relocation program started last year has been refined and expanded. Essentially, it is a "three-strikes-and-you're out" plan: Any bear caught damaging property or harassing campers is trapped or tranquilized, tagged with a color-coded shield, and trucked or flown by helicopter at least two ridges away from the valley.

As of August 12th, there had been 71 relocations of troublesome bears, and six of them had been killed ("euthenized", as resource-managers say). Four other bears died from injuries inflicted by cars. "All of those we killed were repeaters and were exceedingly aggressive," said Dick Rigelhuth who is directing the program. "A couple in Little Yosemite Valley actually chased backpackers up the trail until they dropped their packs, and others have chased people out of their camps. We have no choice in those situations."

In 1974 the first full year of the program, the kill rate dropped from 13 in 1973 to just 1, and that was an accident. (A cub was unintentionally injured during the capture of its mother and had to be put out of its misery, rangers said.) Five other bears died last year. One choked on garbage and four were seriously hurt by cars and had to be destroyed.

Withdrawal problems

There are bound to be "withdrawal" problems, rangers concede, no matter how well the new plan works. Back-packers in the high country, where there is even less natural food and a similarly overloaded bear population, will suffer the most. Tuolumne Meadows and Little Yosemite Valley are already raided every night by bears — as many as 21 separate bears on a single night at Tuolumne. Only the most carefully strung cache escapes them.

Thanks to the California black bear's docile personality — none has ever been known to kill a human — serious encounters with campers are not expected. Still, the park rangers have their fingers crossed against the outside chance that someone someday will be in the wrong place with the right bear at the right time, and make the wrong moves. — *T.H.*

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The marketing of adult education

By Anne Eisenberg

The success of adult education would make any businessman green-eyed with envy. While enrollment through 12th grade has been declining 1 percent every year since 1970, adult enrollment has climbed more than 12 percent every year since 1971 and part-time adult attendance in secondary districts jumped 21 percent from the 1973-74 school year to 1974-75.

Rapid expansion, however, has raised both philosophical and financial questions:

- What should the state's role be in adult education?
- Have adult education schools just "become profit-making ventures" (as Governor Brown charges) or does adult education meet basic economic, social, and personal needs?

These questions lead to many others, including:

- What are the educational objectives of adult-ed, and who should determine them?
- Which institutions can do the job most effectively at the lowest cost?
- Should the state set priorities in the way it apportions funds (some $150 million in 1974-75, up from $100 million the previous school year)?
- Are adult schools taking money from the regular school programs or making money for the districts to bolster other programs?

State aid

For the purposes of apportioning state adult-ed funds, an adult is a person 21 years or older or between 18 and 21 if a part-time student. Adult students enrolled for 10 hours or more a week are funded at 100 percent of average daily attendance, the same as secondary-school students. The part-time student is funded at about half that rate. So the amount of state aid is not related to the *kinds* of classes in which a student is enrolled, but rather to the number of hours the student attends class. In fact, students in the same class could be earning different amounts of money for a district.

As a result of recent legislation (SB 90 and SB 6), local districts have a revenue limit *per unit of average daily attendance*; the more students enrolled, the more tax revenue a district can raise. The only way a district can increase its revenue is by recruiting more adults, since enrollment through 12th grade is mandatory and therefore already at its maximum. Thus, as enrollment has declined in grades kindergarten through 12, some districts appear to be seeking to maintain their total state aid — which would otherwise be cut — by greatly expanding adult programs. An estimated 30-50 percent of revenue from adult classes is diverted to support regular school programs.

Adult-ed classes are generally cheaper to run than the regular education program. But just what these classes actually cost is anyone's guess. Instructors are generally paid hourly rates without fringe benefits and other support services. (There is no agreement about how such support services as custodial and electrical should be pro-rated for cost accounting.) Both the chancellor's office for the community colleges and the state Department of Education agreed that there is no meaningful way of determining actual cost. Assemblyman Leroy Greene of Sacramento, chairman of the Assembly Education Committee, said that he would like to know how much a comparable English class costs at each post-secondary institution but hasn't been able to find out.

Few state guidelines exist regarding eligibility for state money; nor does the state assign priorities. Classes must be open to the general public and cannot be purely recreational. But even these sketchy guidelines are subject to varying interpretations and sometimes disregarded. For example, in the last school year the following courses were offered by various community colleges, which received state aid for them:

- A class limited to pregnant women using a specific hospital.
- Potty Training in Less Than a Day (a four-week course).
- Remedial reading for 14-year-olds.
- A Cosmetology Forum advertising a particular commercial brand and taught by a salesperson.

Neither the Department of Education, which is supposed to monitor secondary districts and regional occupational programs and centers, nor the chancellor's office, which has jurisdiction over the community colleges, seems to turn down many applications for new course offerings.

The fastest-growing of the adult-ed programs have been the "regional occupational programs and centers". There were 24 in 1965, enrolling 28,264 students; in 1974, there were 66, with 195,842 students enrolled. Sixty percent of the programs are run by county schools, and state support to them increased by 117.3 percent in the last school year.

The original intent of the law establishing regional centers was to provide part-time vocational training for high-school students. A student attending a district high school and county regional occupational center can generate two units of average daily attendance (ADA), the factor used to determine the amount of state aid the local district receives. Even more money is generated for the county schools by its full-time vocational - education students, however, so counties have been soliciting full-time *adult* students. More than half the students enrolled in the programs run by Solano and Los Angeles counties are adults.

Although the state is supposed to monitor curricula offered by the regional centers, there is little checking. Local unions are supposed to be consulted and job opportunities investigated before classes are developed, but misjudgments have been made. In one instance, an

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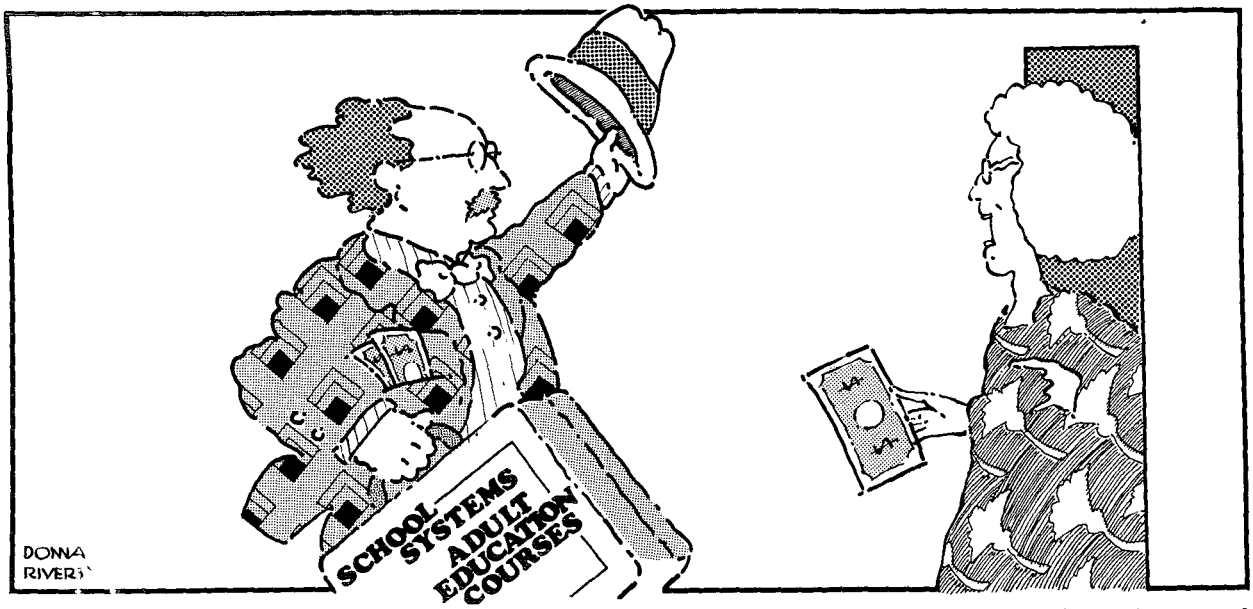

$87,000 facility was built to train butchers, while local butchers were scrambling for jobs. And cosmetology courses have trained thousands of beauticians who have never taken the state exam after completing the 1,600-hour course (which does, however, earn three units of ADA for the district).

Tightening the belt

Alarmed by the rapidly expanding and increasingly expensive adult-ed programs, Governor Brown and the Legislature responded by limiting the increase in state aid for all adult-ed programs to 5 percent of the prior year's apportionments (adjusted for inflation). This limit will save the state $50 million that would otherwise have gone to school districts.

This one-year "moratorium" on growth may pressure the local districts into setting some priorities in their adult-ed programs. Both the Senate and Assembly Education committees plan to hold hearings on the effect that this monetary restriction is having on the districts. Predictions vary as to what will happen. Districts may limit enrollment, fund some classes through increased student fees or local community-service taxes or, as one consultant said, "stop making a profit." The Sacramento County Office of Education already announced cancellation of job-training courses for 800 students in its regional occupation program.

The adult-ed restriction may cause trouble for regular educational programs as well. If districts *are* balancing their budgets with surplus adult-ed funds, what will make up the eventual deficit if inflation continues to run near 10 percent and districts can count on only a 5.4 percent increase in state aid?

There have been three legislative attempts to cope with the problem of adult-ed since World War II. In August 1972, Governor Reagan signed legislation establishing the current Adult Continuing Education Councils. These councils are supposed to delineate adult and continuing education functions between school districts and community colleges, recommend new classes and cut duplicated classes. Nevertheless, duplications have greatly increased over the last two years, and districts compete vigorously for students to fill the rival classes. The rationale is clear: more students equal more money.

The latest legislative attempt to delineate functions and set some priorities for receiving state money is contained in Assembly Bill 1821, introduced by Assemblyman Joseph Montoya of La Puente. The bill would establish regional councils and require all community colleges, high-school and unified districts and county offices of education to participate by next June 30th. School boards would be required to delineate their respective functions in adult-ed and define unnecessary duplication. (A majority of council members would have to certify that a new class was not an unnecessary duplication in order to receive state apportionment.) In one of its most far-reaching sections, the bill defines what work can be credited for full payment for ADA. Full state apportionment would be limited to adult classes that lead to an elementary or high-school diploma, aid in naturalization and English proficiency for the foreign-born, or to authorized apprenticeship programs complying with the state plan for vocational education. All other classes would be supported at the level of the "defined adult", or about half of ADA. This would drastically change the basis for state support from the number of hours an adult is in school to the type of program in which he or she is enrolled. The state would here be setting educational priorities.

A dilemma

Adult programs have expanded to meet real needs or demands. They have encouraged the elderly to tap new talents, the formerly housebound female and other interested community members to increase and broaden their skills, sharpen their cultural awareness, develop their own potential, and enjoy themselves. Assemblyman Montoya's bill and most of the current studies address the question of who will pay for these services and attempt to remedy some of the wrongs in the administration of adult-ed. But the emphasis on budget restrictions may have the indirect effect of restricting the adult curriculum to the most basic educational needs at a time when learning is coming to be recognized as a life-long pursuit.

The dilemma is very real: state dollars are limited and the market for adult-ed seems almost unlimited. In seeking to resolve the dilemma there is a danger of jeopardizing valuable programs that are community assets and meet substantial human needs.

GROWTH OF ADULT EDUCATION

(Number of students and annual state cost in millions)

	1973-74		1974-75		1975-76 (estimated)	
High Schools						
Full-time	77,000	($60)	108,500	($88)	126,000	($105)
Part-time	61,500	($11)	74,500	($14)	82,000	($17)
Vocational	40,000	($30)	57,500	($50)	70,500	($65)
Community Colleges						
Full-time	491,000	($246)	526,000	($284)	572,500	($348)
Part-time and other	118,000	($36)	133,500	($50)	146,000	($68)

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California *NEWSBRIEFS*

Petaluma's limits on growth upheld by federal court

The City of Petaluma has the right to limit the number of new housing units to be built within its boundary each year. so ruled a three-judge United States Court of Appeals last month in reversing a lower court ruling that the 1972 law was illegal. "The concept of the public welfare is sufficiently broad to uphold Petaluma's desire to preserve its small-town character, its open spaces and low density of population and to grow at an orderly and deliberate pace," the court held. Petaluma is about 49 miles north of San Francisco.

Milk quotas soar in value with bids to $300,000

One of former state Auditor General Harvey Rose's last reports called attention to the fact that certificates to produce milk in California, given away by the Department of Agriculture six years ago, today are worth something like half a billion dollars. One "quota" (as the certificates are commonly known) reportedly could cost $300,000 in Southern California. "The sale by the producer of quota originally allocated to him by the state at no cost provides the producer with a windfall gain," Rose said in his report. There were 1,108 sales of quota during the program's first five years. Governor Brown said he planned to look into the practice, which was part of a program designed to guarantee californians wholesome, fresh milk.

Farm labor board, members criticized, begins operation

Governor Brown's five appointees to the new state Agricultural Labor Relations Board ran into a crossfire of controversy reminiscent of the bitterness that surrounded the years of negotiation before enactment this year of a farm labor law. On August 28th, the new board officially came to life, though it had already been working on rules governing union representation elections. The first of these are expected in the state's vineyards where harvesting normally takes place in September.

The board is headed by Bishop Roger Mahony of the Roman Catholic Diocese of Fresno and secretary of the U.S. catholic Bishops' Ad Hoc Committee on Farm Labor. The other four members are Richard Johnsen Jr. of Sacramento, executive vice president of the Agricultural Council of California; Joseph R. Grodin, labor law professor at UC's Hastings College of Law in San Francisco; LeRoy Chatfield of Sacramento, director of administration for Governor Brown; and Joe C. Ortega, executive director of the Model Cities Center for Law and Justice in Los Angeles. Walter L. Kintz of Berkeley, supervising field attorney for the National Labor Relations Board, was named general counsel.

The five board members are subject to confirmation by the state Senate, and criticism was raised immediately that the Governor's appointees lean toward labor.

IRS challenges tax-free status of lawmakers' per diem

The Internal Revenue Service thinks that the $30-a-day expense money California's lawmakers receive should be taxable as income. The legislators disagree, claiming per diem as a business expense since their work requires them to be away from home. The IRS contends that if a lawmaker makes most of his or her income in Sacramento, then that's where the home is for tax purposes. Yet, the law requires legislators to reside legally in their districts. [See, "Most legislators live in Sacramento," *CJ* April 1973.]

Drive to repeal law on sex acts fails; initiatives sprout

A drive by a group of church activists to repeal a newly enacted state law removing criminal penalties from sexual acts performed in private between consenting adults failed last month. Not enough signatures were acquired to put on the ballot a referendum to let California voters approve or reject the new law, which will take effect in January. Secretary of State March Fong Eu announced that a physician-sponsored malpractice initiative also failed to qualify.

Meanwhile, other initiative campaigns got under way. Former Governor Edmund G. Brown Sr. and state Treasurer Jesse Unruh head one to establish a one-house Legislature. And a second tax initiative went searching for signatures — this one to require a two-thirds vote of the Legislature to change any state taxes — treatment now accorded only to those paid by banks, corporations and insurance companies. A competing initiative would remove the two-thirds majority requirement for businesses and subject the taxes they pay to the same, simple-majority treatment used to determine other taxes. [See "In Search of a simple majority to raise business taxes," *CJ,* May 1975.]

State purchases are going to more smaller firms

Leonard Grimes, director of General Services, told his buying agent last February to try to buy half the state's smaller purchases from small firms. In six months, the percentage of purchases under $1,000 made from small businesses rose from 12 percent to 48. Grimes' goal is to see small business get about a quarter of his department's total purchases, which run to about $200 million annually.

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The 1974 rating game

10 grades for California lawmakers

By JOAN REISS and ROB SCHEIDEMAN

The 11th legislative commandment has been thought to read: "Thou shalt not cast positive votes for both labor and the environment." But an analysis of voting records of legislators for 1974 indicates that 30 Assembly members and six senators broke the commandment by posting high grades in rankings by both organized labor and conservationist organizations.

This is one finding in an analysis of 10 scorecards from organizations spanning the political spectrum. The patterns are presented for all legislators based on floor votes in the 1973-74 biennial session, with emphasis on the second year. Here is a listing of the organizations and how the ratings were developed:

Legislative Birdwatchers (LB) — 4 Senate and 8 Assembly votes in such areas as insurance, wages, unemployment and subcontracts.

Americans for Democratic Action (ADA) — 3 Senate and 22 Assembly votes in 1974 dealing with corporate tax, collective bargaining, education, victimless crimes, discrimination and energy.

California Republican Assembly (CRA) — 9 Senate and 11 assembly 1974 votes primarily on fiscal issues, state agency controls and employee rights.

California Peace Officers Association (CPOA) — 7 Senate and 11 Assembly bills in 1974 in the field of law and order.

Consumer Federation of California (CFC) — 14 Senate and 27 Assembly votes covering housing, banks, governmental reform, automobiles and employee rights.

National Association for the Advancement of Colored People (NAACP) — 6 Senate and 11 Assembly bills concerning interests of minorities and the poor.

National Association of Social Workers (NASW) — 6 Senate and 4 Assembly votes concentrating on health, welfare, and children.

California Labor Federation, AFL-CIO (CLF) — 5 Senate and 8 Assembly votes in 1974 on employee-worker rights and benefits and housing.

Associated Students of the University of California (ASUC) — 3 Senate and 8 Assembly bills on student financial aid, child care, educational planning and the university budget.

Joan Reiss is president of Legislative Birdwatchers, an environmental organization specializing in voting records. Rob Scheideman, a student at Sacramento State University, helped with research.

In analyzing voting records, two variables are paramount — weighted votes and treatment of absences. Only the CRA used a weighted voting system allocating higher values for some bills than for others. The remaining organizations counted all votes equally, although some measures are more important than others. Absences are even more difficult, partly because an absence produces the same result as a negative vote. The CRA allots a partial point penalty for an absence, but the scorecards for all other organizations were tabulated under a formula treating absences and abstentions as votes against the measure under consideration.

The lowest average ratings were registered by two conservative organizations — the CRA and the CPOA. Both oppose more bills than they support. Liberal legislators typically will receive exceptionally low ratings from these two organizations and high marks from the others. Here are the most liberal and most conservative legislators in the 1973-74 session using an arbitrary cutoff system (*Liberal:* below 45 percent CRA and CPOA, 90 percent ADA and 75 percent from the others. *Conservative:* 55 percent or better CRA and CPOA, less than 30 percent ADA):

Most liberal. Senator Albert Rodda and Assemblymen Howard Berman, John Dunlap, Larry Kapiloff, and Jim Keysor. All are Democrats.

Most conservative. Senators Clare Berryhill, Clark Bradley, Dennis Carpenter, Lou Cusanovich, George Deukmejian, John Stull, Howard Way, James Whetmore; Assemblymen Mike Antonovich, Robert Badham, Robert Burke, William Lancaster, Robert McLennan, Newton Russell and Floyd Wakefield. All are Republicans.

Two of the most conservative members of the Senate, John Harmer and H.L. Richardson, failed to qualify for the most conservative category because they missed enough roll calls to get low CPOA scores. Both were campaigning for statewide office.

Houses compared

The scorecards can also be used to compare the two houses. The lower Senate percentages for all groups but the CRA and CPOA show the upper house to be the more conservative body. In spite of a relatively large number of legislators qualifying as "most conservative", 1974 was not a good year for conservative causes.

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Senate

		LB	SBCT	ADA	CRA	CPOA	CFC	NAACP	NASW	CLF	ASUC
Alquist	(D)	75	66	90	13	22	68	86	70	92	91
Ayala	(D)	55	92	85	37				100	78	91
Behr	(R)	80	92	65	40	33	75	86	100	62	91
Beilenson	(D)	95	75	90	32	22	81	86	100	46	82
Berryhill	(R)	60	58	25	67	78	36	29	60	23	82
Biddle	(R)	85	58	30	58	89	47	50	90	46	73
Bradley	(R)	35	58	5	55	78	34	29	10	23	36
Carpenter	(R)	50	50	5	88	56	35	21	10	15	82
Collier	(D)	55	83	50	47	11	49	64	80	54	91
Cusanovich	(R)	55	66	25	65	67	46	50	70	46	100
Deukmejian	(R)	55	75	20	56	67	53	36	60	8	82
Dills	(D)	65	83	80	30	33	73	71	70	62	64
Dymally	(D)	75	75	80	22	33	92	57	70	69	91
Gregorio	(D)	80	100	85	37	11	79	79	100	92	91
Grunsky	(R)	80	75	65	44	56	57	71	80	85	100
Harmer	(R)	25	42	5	29	56	17	0	20	15	45
Holmdahl	(D)	60	50	80	26	56	56	64	60	85	45
Kennick	(D)	70	66	90	17	44	78	71	70	85	73
Marks	(R)	85	75	80	20	44	80	86	90	100	91
Marler	(R)	45	50	20	44	56	—	50	70	31	64
Mills	(D)	90	92	85	17	33	64	64	90	85	73
Moscone	(D)	85	83	90	42	11	71	79	100	78	82
Nejedly	(R)	90	83	70	32	56	71	50	90	85	81
Petris	(D)	100	83	85	22	33	89	79	50	85	82
Richardson	(R)	10	17	15	100	33	20	14	0	8	27
Robbins	(D)	75	58	80	6	22	56	57	70	92	45
Roberti	(D)	80	66	90	22	22	66	71	50	85	91
Rodda	(D)	95	92	90	17	44	89	86	100	92	100
Schrade	(R)	40	42	20	56	44	30	36	60	46	27
Short	(D)	60	58	70	—	0	—	43	30	38	36
Song	(D)	50	66	75	12	11	61	43	30	54	91
Stevens	(R)	75	42	50	33	22	62	57	80	69	82
Stiern	(D)	70	58	80	72	78	70	71	90	69	55
Stull	(R)	45	58	0	100	67	44	29	30	8	73
Walsh	(D)	40	33	30	29	11	—	43	10	23	45
Way	(R)	60	66	15	59	56	67	50	40	46	91
Wedworth	(D)	55	75	40	68	44	41	43	80	54	55
Whetmore	(D)	40	42	5	79	67	41	36	0	15	55
Zenovich	(D)	80	83	80	29	22	52	64	70	78	82
Average		**63**	**67**	**56**	**43**	**40**	**59**	**55**	**63**	**56**	**73**

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Assembly

		LB	SBCT	ADA	CRA	CPOA	CFC	NAACP	NASW	CLF	ASUC
Alatorre	(D)	84	83	84	20	0	76	81	60	83	100
Antonovich	(R)	48	58	4	65	100	44	48	40	8	82
Arnett	(R)	64	83	36	21	54	79	72	90	25	100
Badham	(R)	36	58	0	67	64	44	43	20	17	64
Bagley	(R)	60	66	44	10	0	55	53	60	50	73
Bannai	(R)	71	92	36	25	64	67	72	90	50	100
Bee	(D)	56	75	64	20	27	74	76	100	100	82
Berman	(D)	100	100	96	21	9	95	81	100	92	100
Beverly	(R)	68	100	28	22	36	65	57	70	42	100
Boatwright	(D)	80	100	72	11	27	86	76	90	75	91
Bond	(R)	64	100	24	24	45	63	48	50	50	100
Briggs	(R)	60	75	28	33	82	53	53	40	25	82
Brown	(D)	88	83	76	7	18	74	76	80	92	91
Burke	(R)	32	75	0	65	73	54	33	30	8	82
Carter	(R)	54	83	36	25	45	45	48	60	50	91
Chacon	(D)	64	66	64	24	27	79	72	70	83	91
Chappie	(R)	36	75	36	21	82	58	67	70	58	55
Cline	(R)	72	66	12	62	64	63	48	40	8	100
Collier	(R)	40	33	12	37	64	45	48	20	0	50
Cory	(D)	68	66	60	6	9	62	72	90	66	73
Craven	(D)	60	100	28	33	45	67	43	50	50	100
Cullen	(D)	72	83	76	17	9	84	81	90	92	91
Davis	(D)	40	83	44	56	54	57	62	80	66	100
Deddeh	(D)	88	100	76	10	18	83	76	70	83	82
Dixon	(D)	84	83	92	33	9	83	72	70	83	91
Duffy	(R)	64	100	40	25	27	66	67	80	50	100
Dunlap	(D)	92	92	92	20	18	91	81	90	100	100
Fenton	(D)	100	100	68	21	18	85	72	100	100	100
Fong	(D)	68	58	76	8	9	77	62	70	50	73
Foran	(D)	68	100	80	11	27	70	76	100	100	100
Garcia	(D)	64	83	68	0	0	67	86	80	75	45
Gonsalves	(D)	76	92	56	21	27	73	62	100	83	100
Gonzales	(D)	84	100	76	25	18	87	81	90	83	100
Greene, B.	(D)	64	75	84	25	9	74	72	80	83	64
Greene, L.	(D)	88	83	88	21	18	76	76	100	92	91
Hayden	(R)	76	100	40	0	54	71	67	100	83	100
Holoman	(D)	76	58	72	20	0	69	76	60	58	91
Ingalls	(D)	100	92	76	22	45	84	72	90	92	100
Johnson, H.	(D)	68	100	92	12	18	69	53	80	83	100
Johnson, R	(R)	56	83	28	41	82	72	62	100	33	91
Kapiloff	(D)	96	100	96	15	18	91	91	90	83	100
Karabian	(D)	68	50	68	31	18	69	72	50	58	64
Keene	(D)	84	100	88	29	18	85	72	100	92	100
Keysor	(D)	80	92	92	24	18	76	86	100	100	100
Knox	(D)	84	83	92	11	18	69	76	90	92	82
Lancaster	(R)	44	58	16	59	82	52	43	40	17	82
Lanterman	(R)	52	83	24	29	82	46	53	80	17	91
Lewis	(R)	68	92	32	33	64	59	48	60	50	100
Lockyer	(D)	89	66	96	18	9	94	67	80	100	73
MacDonald	(D)	72	83	64	14	18	70	62	70	66	64
MacGillivray	(R)	60	83	20	29	18	64	72	80	33	82
Maddy	(R)	60	92	56	6	9	63	67	90	66	64
McAlister	(D)	88	100	80	20	45	87	86	100	92	100
McCarthy	(D)	88	92	96	6	18	72	72	100	100	91
McLennan	(R)	25	50	4	68	73	55	38	20	0	82
Meade	(D)	100	92	76	5	18	79	76	100	83	100
Miller	(D)	80	83	64	25	18	63	72	80	66	82
Mobley	(R)	52	75	36	22	73	52	62	90	58	100
Montoya	(D)	88	92	84	18	0	82	76	100	75	91
Moretti	(D)	88	92	72	19	18	69	76	90	100	91
Murphy	(R)	56	100	52	28	54	72	72	60	66	91
Nimmo	(R)	48	92	24	24	45	63	48	60	25	100
Papan	(D)	80	100	76	11	27	76	76	100	83	100
Powers	(D)	60	75	72	12	18	69	72	60	75	64
Priolo	(R)	80	66	28	17	36	57	72	50	33	91
Quimby	(D)	56	75	60	9	9	69	33	50	58	82
Ralph	(D)	76	75	72	6	0	62	76	70	66	82
Russell	(R)	56	66	0	56	64	69	57	40	8	82
Seeley	(R)	68	100	24	21	54	72	62	90	33	100
Sieroty	(D)	84	75	84	21	0	90	72	90	83	82
Thomas	(D)	76	92	80	11	45	74	76	100	100	91
Thurman	(D)	80	83	76	16	45	90	72	100	83	100
Vasconcellos	(D)	92	83	84	19	0	91	81	90	83	82
Wakefield	(R)	16	33	0	64	73	69	28	20	0	27
Warren	(D)	76	83	68	18	9	80	81	70	100	73
Waxman	(D)	64	83	76	25	9	73	62	70	66	91
Wilson	(D)	84	100	80	15	18	83	81	80	100	100
Wood	(R)	72	92	36	22	73	69	72	90	75	100
Z'Berg	(D)	84	100	88	28	9	79	72	90	92	100
Average		**70**	**83**	**56**	**24**	**33**	**70**	**68**	**75**	**63**	**87**

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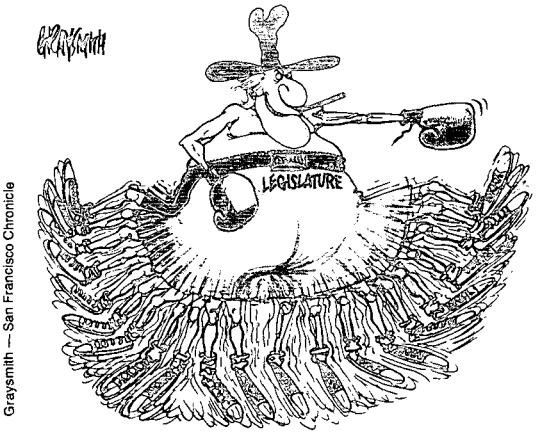
ROLL CALL

School aid and legislative independence



Graysmith — San Francisco Chronicle

'I'm all rested . . . watch out Governor Brown'

Legislators returned from their summer vacation in early August ready to tackle a backlog of bills and also to issue a declaration of independence from Governor Edmund G. Brown Jr. The prime issue was a proposal by Senator Albert Rodda to pump $115 million in cost-of-living funds into local public schools. Prior to recess, the Governor had indicated his unwillingness to put more state funds into local schools. Instead, Brown wanted to handle the problem through fiscal and educational reforms. But when the lawmakers ended their July vacation, they found that Brown had yielded to pressure to the extent of $88 million. The bill was sent to his desk with a $115 million appropriation, which the Governor trimmed by $27 million.

But the battle was far from over. The Senate overrode Brown's veto of the $27 million by a vote of 28 to 7, and the issue was then thrust into the hands of the Assembly, where Speaker Leo McCarthy found himself caught on the horns of a dilemma: Should he continue to serve as the Governor's right hand in the Legislature or yield to the increasing pressure for independence by the Legislature from the executive? As the issue came to a head, McCarthy said that he would go along with the wishes of the Assembly Democratic caucus. There were indications that if McCarthy erred, there could be a move to strip him of the speakership.

Governor's honeymoon wasn't over, but McCarthy's grip on the speakership was still under challenge. The Speaker suffered a blow with the death of a key supporter, Edwin L. Z'berg of Sacramento.

Brown and McCarthy emerged victorious when 41 Democrats voted to sustain the veto, with 10 Democrats and 24 Republicans supporting the override. The Brown had also indicated his opposition to a proposed two-cent-a-gallon increase in the gasoline tax, a move designed to halt mass layoffs in the Department of Transportation. Nevertheless, the measure kept moving through the Legislature, and there was a possibility that Brown might be forced to veto the bill. Here is the status of other major issues:

Medical malpractice. At least three major bills in this field were moving, with indications that the problem would go to a conference committee. No one was promising any dramatic results to ease the pressure on doctors this year.

Collective bargaining. The Governor's compromise plan was foundering, and various interests were seeking to win approval for pieces of the package before the mid-September adjournment.

Pay raises. The Assembly started to move a Senate-approved bill to raise the lawmakers' salaries from $21,120 a year to $23,232, effective December 1976.

SENATE (25 D, 15R)	AB 640	AB 1109	AB 1270	AB 624	AB 1362	SB 220	AB 180	AB 232	AB 258	ACA 37
Alquist (D)	Y	Y	Y	Y	Y	Y	Y	*	*	Y
Ayala (D)	Y	Y	Y	*	Y	Y	Y	Y	Y	Y
Behr (R)	Y	Y	Y	*	Y	Y	Y	Y	Y	Y
Beilenson (D)	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
Berryhill (R)	Y	*	*	N	*	Y	N	*	Y	N
Carpenter (R)	Y	Y	N	N	N	N	N	N	Y	N
Collier (D)	*	*	*	*	*	Y	N	Y	*	*
Cusanovich (R)	Y	Y	Y	N	N	Y	N	N	Y	N
Deukmejian (R)	Y	Y	Y	N	N	N	N	*	N	*
Dills (D)	Y	N	*	Y	N	Y	N	Y	Y	Y
Dunlap (D)	N	Y	*	Y	Y	Y	*	Y	*	Y
Garcia (D)	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
Gregorio (D)	*	Y	Y	*	Y	Y	Y	*	Y	Y
Greene (D)	Y	Y	Y	Y	Y	Y	N	Y	N	Y
Grunsky (R)	Y	Y	Y	Y	N	Y	N	N	N	Y
Holden (D)	*	Y	Y	Y	Y	Y	N	Y	Y	Y
Holmdahl (D)	*	*	Y	*	*	*	*	*	*	N
Kennick (D)	*	*	*	Y	*	Y	*	Y	*	*
Marks (R)	*	Y	*	Y	Y	Y	Y	*	Y	Y
Mills (D)	Y	*	Y	Y	Y	Y	Y	Y	Y	Y
Moscone (D)	Y	Y	Y	Y	Y	Y	Y	*	Y	Y
Nejedly (R)	Y	Y	N	Y	Y	Y	Y	*	N	Y
Petris (D)	Y	Y	*	Y	Y	Y	Y	*	Y	Y
Presley (D)	Y	Y	Y	Y	N	Y	Y	Y	Y	Y
Rains (D)	Y	Y	*	Y	Y	Y	Y	*	Y	Y
Richardson (R)	*	Y	N	N	N	N	N	*	N	*
Robbins (D)	*	*	*	*	*	*	*	*	*	*
Roberti (D)	Y	*	N	Y	Y	Y	*	Y	Y	Y
Rodda (D)	Y	*	Y	N	Y	Y	Y	Y	Y	Y
Russell (R)	Y	Y	N	Y	N	Y	N	N	Y	N
Schrade (R)	Y	N	Y	N	N	N	N	N	Y	N
Smith (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Song (D)	Y	Y	*	Y	Y	Y	*	Y	*	Y
Stevens (R)	Y	Y	*	Y	N	Y	Y	N	Y	N
Stiern (D)	Y	Y	*	Y	N	Y	N	Y	*	N
Stull (R)	N	Y	N	N	N	N	N	N	Y	N
Way (R)	*	Y	N	N	N	*	N	N	*	N
Wedworth (D)	Y	*	*	Y	N	Y	N	Y	N	N
Whetmore (R)	Y	*	*	*	Y	Y	N	*	Y	N
Zenovich (D)	N	Y	Y	Y	N	Y	*	Y	*	N

Senate

BUSINESS AND CONSUMER AFFAIRS

AB 640 (Hayden) — Imposes limits on increases in loan payments on notes with variable interest rates. Passed 27-4.

AB 1109 (McAlister) — Repeals California Fair Trade Act. Passed 28-2.

AB 1270 (Fenton) — Makes door-to-door solicitation illegal unless certain disclosures are made. Passed 23-6.

EDUCATION

AB 624 (Keysor) — Requires school districts to deduct organizational dues from teachers' paychecks if requested by employees. Passed 22-9.

AB 1362 (Vasconcellos) — Requires public meetings of State University and Colleges campus advisory boards. Passed 23-12.

SB 220 (Rodda) — Appropriates at least $88 million and no more than $115 million in additional aid to public schools. Passed 32-4.

MISCELLANEOUS

AB 180 (Goggin) — Prohibits construction of pipelines across the coastal zone. Passed 22-14.

AB 232 (Greene) — Prohibits employers from deducting 25 cents an hour from salaries of tipped employees. Passed 22-12.

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AB 258 (Badham) — Designates the gray whale as the state marine mammal. Passed 22-3.

ACA 37 (Siegler) — Proposed constitutional amendment changing the vote required for passage of local government bond issues from two-thirds to 60 percent. Failed 21-16 (27 votes required).

Assembly

BUSINESS AND CONSUMER AFFAIRS

SB 334 (Alquist) — Prohibits public-utility companies from including political advertising with customers' bills. Passed 58-14.

HEALTH

AB10xx (Goggin) — Authorizes the state to buy insolvent acute-care hospitals or take other fiscal action if their closure would constitute a threat to public health. Failed 21-49.

AB 28xx (Maddy) — Prohibits increases in medical malpractice insurance without approval by the state insurance commissioner. Passed 72-3.

MISCELLANEOUS

SB 220 (Rodda) — Appropriates at least $88 million and not more than $115 million for public-school support. Passed 73-5.

AB 2424 (Fenton) — Permits Monterey Park, as an experiment, to conduct its municipal election next March exclusively by mail ballot. Passed 55-23.

VOTING RECORDS

Listed here are the votes of legislators on recent major roll calls through August 14th. Votes selected involve issues of major importance, issues on which there was a major division of opinion, or both.

Y — Yes
N — No
• — Absent or not voting

A ⅔ vote is required for urgency measures, constitutional amendments, and appropriations.

Assembly: 41 votes required for passage of bills needing a simple majority.
⅔ = 54 votes.

Senate: 21 votes required for passage of bills needing a simple majority.
⅔ = 27 votes.

ASSEMBLY (54 D, 25R)	SB 334	AB 10xx	AB 28xx	SB 220	AB 2424
Alatorre (D)	Y	N	Y	Y	Y
Antonovich (R)	Y	N	Y	Y	N
Arnett (R)	*	N	N	N	N
Badham (R)	N	*	*	*	N
Bane (D)	Y	Y	Y	Y	Y
Bannai (R)	Y	N	Y	Y	N
Berman (D)	Y	Y	Y	Y	Y
Beverly (R)	*	*	Y	Y	N
Boatwright (D)	*	Y	Y	Y	Y
Briggs (R)	Y	N	Y	Y	N
Brown (D)	Y	N	Y	Y	*
Burke (R)	N	N	Y	N	N
Calvo (D)	Y	Y	Y	Y	Y
Campbell (R)	*	N	Y	Y	N
Carpenter (D)	Y	N	Y	Y	Y
Chacon (D)	Y	*	Y	Y	Y
Chappie (R)	Y	N	Y	Y	N
Chel (D)	Y	N	Y	Y	Y
Chimbole (D)	Y	N	Y	Y	Y
Cline (R)	Y	*	*	Y	N
Collier (R)	N	N	Y	Y	N
Craven (R)	N	N	Y	N	N
Cullen (D)	Y	N	Y	Y	Y
Davis (D)	Y	N	Y	Y	Y
Deddeh (D)	Y	N	Y	Y	Y
Dixon (D)	Y	Y	Y	Y	Y
Duffy (R)	Y	N	Y	Y	N
Egeland (D)	Y	N	Y	Y	Y
Fenton (D)	Y	N	Y	Y	Y
Foran (D)	Y	N	N	Y	Y
Garamendi (D)	Y	N	Y	Y	Y
Goggin (D)	*	Y	Y	Y	Y
Greene, L. (D)	*	Y	Y	Y	Y
Gualco (D)	Y	Y	Y	Y	Y
Hart (D)	*	N	Y	Y	*
Hayden (R)	Y	N	Y	Y	N
Hughes (D)	Y	N	Y	Y	Y
Ingalls (D)	Y	*	Y	Y	Y
Kapiloff (D)	Y	Y	Y	Y	Y
Keene (D)	Y	Y	Y	Y	Y
Keysor (D)	Y	N	Y	Y	Y
Knox (D)	Y	N	Y	Y	Y
Lancaster (R)	N	N	N	Y	N
Lanterman (R)	N	N	*	N	Y
Lewis (R)	N	N	Y	Y	N
Lockyer (D)	Y	N	Y	Y	Y
MacDonald (D)	N	N	Y	Y	Y
Maddy (R)	Y	N	Y	Y	N
McAlister (D)	Y	Y	Y	Y	Y
McCarthy (D)	Y	Y	Y	Y	Y
McLennan (R)	N	N	Y	Y	N
McVittie (D)	Y	N	Y	Y	Y
Meade (D)	Y	N	Y	Y	Y
Miller (D)	Y	Y	Y	Y	Y
Mobley (R)	N	N	Y	Y	N
Montoya (D)	Y	N	Y	Y	Y
Mori (D)	Y	*	Y	Y	Y
Murphy (R)	N	N	Y	N	N
Nestande (R)	N	N	Y	Y	N
Nimmo (R)	N	N	Y	Y	N
Papan (D)	N	Y	Y	Y	Y
Perino (D)	Y	N	Y	Y	Y
Priolo (R)	Y	N	Y	Y	N
Ralph (D)	Y	Y	Y	Y	Y
Robinson (D)	Y	N	Y	Y	Y
Rosenthal (D)	Y	Y	Y	Y	Y
Siegler (D)	Y	Y	Y	Y	Y
Sieroty (D)	Y	Y	Y	Y	Y
Suitt (D)	Y	*	Y	Y	Y
Thomas, V. (D)	Y	N	Y	Y	Y
Thomas, W. (R)	Y	N	Y	Y	Y
Thurman (D)	Y	Y	Y	Y	Y
Torres (D)	Y	N	Y	Y	Y
Tucker (D)	Y	*	*	Y	Y
Vasconcellos (D)	Y	N	Y	Y	Y
Vicencia (D)	Y	N	Y	Y	Y
Warren (D)	Y	*	*	Y	Y
Wilson (D)	Y	Y	Y	Y	Y
Wornum (D)	Y	Y	Y	Y	Y
Z'berg (D)	*	*	Y	*	Y

Selected government reports

The Potential for Economic Collapse Under the Weight of Public Spending; California Taxpayers' Association. May 1975. Reasons for the growth of the national budget and what it could mean. 23 pp. Available from the association, Suite 900, 11th & L Building, Sacramento 95814. ($5)

The Role of California Local Government in Housing: Housing Policy report; June 1975; Institute for Local Self Government, berkeley. Cities' role in housing and alternative local and federal programs. 98 pp.

State of California Major Boards and Commissions, an Informational Listing; Commission on the Status of Women, 1975. Required under a new law as an aid to citizen participation. Available, Documents Section, P.O. Box 20191, Sacramento 95820. ($1.25)

California Transportation Plan: Draft EIR: Volume 3; Department of Transportation, July 1975. Reviews alternative transportation plans and their impact, with tables and graphs. 646 pp. Division of Transportation Planning, 2520 Marconi Ave., Sacramento 95821.

The California Land: Planning for People; report of the California Land-Use Task Force, 1975. Issues relating to cities, resources, transportation, taxation and compensation for restricted land, with recommendations for the careful planning of the state's future. 96 pp. Available at Suite 310, 1225 8th St., Sacramento 95814.

Land: State Alternatives for Planning and Management; Council of State Governments. The complexities of land planning and management and the role of state governments. 101 pp. Iron Works Pike, Lexington, Ky. 40511. ($4)

California Welfare Reform: Recycling the 1601 Elizabethan Poor Law; Harold E. Simmons. The effect on social welfare from abuse of executive power for political gain. 286 pp. General Welfare Publications, P.O. Box 19098, Sacramento 95819. ($6.50)

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A WASHINGTON PERSPECTIVE...

By MARTIN SALDITCH

A tale of two cities

Representative John L. Burton of San Francisco prowls the House of Representatives with the same air of moody belligerence he exuded in the state Assembly. But otherwise it is far different here for Burton and the other 18 (out of 43) California House members with prior legislative service in Sacramento. John, who joined his older brother Phillip (another former assemblyman) in Washington a year ago, draws on Marshall McLuhan terminology to explain the difference:

Sacramento is linear while Washington is circular. In the Legislature, the procedure for getting a bill passed is like a straight line, from A to B to C. You introduce it, get a committee hearing, and it either moves or dies. Here you go in circles to get something done.

One statistic illustrates the difference: In Congress, only 4 percent of the bills introduced get passed, compared to 45 percent in the California Legislature.

* * *

Granted, more duplicate bills are introduced in Congress due to a curious rule limiting to 25 the number of co-authors on any measure, thus triggering another bill to show additional co-authors. But the more basic difference is that bills are written in committee here to a much greater extent than in Sacramento. A bill introduced by someone other than a committee chairman is really just an idea for the policy committee to consider, along with other measures on the same subject. "They don't hold hearings on bills here," emphasized Brad Hathaway, who followed his boss, Representative Clair W. Burgener of San Diego County, from Sacramento to Congress two and a half years ago. "They hold hearings on subjects." So the initial objective for the author of a bill here is to get a subcommittee hearing on the subject — and hope that some portions of the proposal will be included in the measure that eventually leaves the full committee, if it ever does.

If the author is a member of the policy committee involved, the odds are much greater for getting a hearing and some action. If not, it is best to work indirectly through a committee member since, unlike in Sacramento, there is no assurance of getting a hearing for a bill.

If an author has no luck in committee, he can try offering the proposal as an amendment to a bill up for a floor vote that deals with an appropriate subject. In mid-July John Burton tried this with varying success. He got inserted into an appropriation bill a provision granting $250 million for federal loans to farmers required to install anti-pollution equipment. But he was not recognized by the speaker when he sought to prohibit funds for federal facilities with pay toilets. If a bill gets to the Senate, it may be ignored, rewritten or tabled while a Senate version moves to the House of Representatives. As in Sacramento, conference committees resolve differences between House and Senate versions.

The obstacle course is even tougher for members of the minority party, namely Republicans in this overwhelmingly Democratic Congress. "The partisanship here is beyond belief," complains Burgener, who served 10 years in the state Senate and Assembly before coming to Congress in 1973. No chairmanships are given by the majority to the minority party, as has been the practice in Sacramento. It is rare for a Republican to get a bill through a committee. Burgener, who authored more than 300 state laws during his Sacramento decade, has yet to get one of his own through Congress. "You find you can do more in solving constituent problems through agencies than with lawmaking," he concedes.

Despite recent House reforms, seniority is still a vital route to power. Although California has the largest delegation in Congress, none of its House or Senate members are full committee chairmen. This includes the delegation's dean, Representative John E. Moss of Sacramento, who has been here more than 22 years.

But such freshmen Democrats as henry Waxman of Los Angeles, a former assemblyman, and George Miller of Contra Costa County, a former state Senate staffer, say they can get things done within their committees. Waxman, who is on the House Commerce and Science and Technology Committees, commented, "If I do my homework and know the issues, I can make as much of a contribution as any other committee member. On the floor, the opportunity is more limited, due to the size of the body and the complexity of the issues." Miller, who is on the Interior and Education-Labor Committees, expressed a similar view. "I already have got a bill through which appropriates more nutrition funds for pregnant women," he noted.

Waxman, disagreeing with Burgener, favors the greater partisanship here than Sacramento. "I believe in party responsibility," he said. "Although we do not have a minority party chairman here, we do have minority staffs for committees, which I favored in Sacramento."

A member of Congress spends less time on the floor than a lawmaker in the Legislature, usually appearing to vote, speak, or listen to a debate of special interest. Unlike in Sacramento, bills can be passed with less than majority approval of the entire chamber, as long as a quorum is present.

* * *

One advantage of bigness here is that lobbyists do not buttonhole legislators to the same extent as in Sacramento. "Special interest groups go after committee chairmen and senior members and staff," reported Burgener. "I hardly ever see a lobbyist." Despite his relatively lesser influence here, Burgener is not sorry he made the change. "This place is so anonymous, and you're part of a larger scene. But this is where the action is."

A long-time correspondent for the Riverside Press-Enterprise, *Martin Salditch now covers Washington.*

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The Journal shopping list

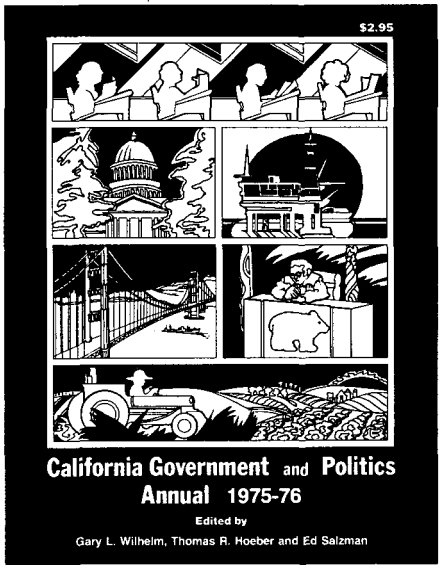
To help you keep track of California government and politics, the following items are now available by mail from *California Journal*, 1617 10th St., Sacramento 95814, at the prices indicated:

Almanac

Now available for the first time, the *California Journal Almanac of State Government and Politics* is a must for every office, library and desk of anyone interested in state politics and government. It contains a basic guide to state government, photographs and biographies of office-holders, district maps, and election and population data. It costs $2.95 plus 18 cents sales tax, $3.13 total.

Annual

Edited primarily for classroom use, the 1975-76 *California Government and Politics Annual* is larger than its predecessors. It covers the major issues in California government today. Most of the articles are drawn from the past year's *California Journals*. It, too,



costs $2.95 plus 18 cents sales tax, $3.13 total.

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When a man assumes a public trust, he should consider himself as public property.

—Thomas Jefferson

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